

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**246**

**CRR-1176-2018 (O&M)  
Date of decision : 20.01.2022**

**ALISHAN ALIAS ALI HASSAN**

..... Petitioner

**VERSUS**

**DISTRICT PRIMARY COOPERATIVE  
AGRICULTURAL & RURAL DEVELOPMENT BANK  
LTD**

..... Respondent

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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Present :- Mr. Rajnish K. Gupta, Advocate  
for the petitioner.

Mr. Rajesh Lamba, Advocate  
for respondent-Bank.

(Through video conferencing)

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**Harsimran Singh Sethi, J. (Oral)**

In the present criminal revision petition, the challenge is to order dated 11.08.2015 passed by the Judicial Magistrate 1<sup>st</sup> Class, Karnal, by which, the petitioner was convicted for violating the provisions of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of one year and was also directed to pay a compensation of Rs.1,50,000/-and also to order dated 08.03.2018 passed by the Additional Sessions Judge, Karnal, by which, the appeal of the petitioner against the order of conviction was dismissed.

Learned counsel for the petitioner argues that though, the petitioner has been convicted by the trial Court under an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the appeal filed by the petitioner has been dismissed but now, during the pendency of

the present revision petition, the parties have already compromised their dispute and the petitioner has already discharge his liability to the satisfaction of the respondent-bank and therefore, the offence, for which the petitioner is convicted, is compoundable, the benefit of the same may kindly be extended to the petitioner and the oral request of the petitioner to the said effect may kindly be accepted. Learned counsel for the petitioner further submits that petitioner is ready to bear the cost for consuming the precious time of the Courts.

Learned counsel for the respondent-bank on the basis of the report dated 20.01.2022, submits that as per his instructions, the liability of the petitioner has been discharged by him to the satisfaction of the bank and no further amount is liable to be paid by him and the bank raises no objection in case, the oral prayer of the petitioner for compounding to the offence is accepted.

As per Section 320(6) of the Cr.P.C, the High Court or the Court of Sessions, as the case may be, even while exercising the powers of revision as envisaged under Section 401 of Cr.P.C can compound the offence. In the present case, it is not disputed by the respondent that the offence, for which, the petitioner has been charged and convicted is compoundable. Once, the parties have amicably resolved their dispute and the respondent-Bank has already stated before this Court that the petitioner has discharged his liability to their satisfaction and the learned counsel appearing for the respondent-Bank raises no objection to the prayer of the petitioner for compounding the offence, it is a fit case, where this Court needs to exercise the jurisdiction of compounding of offence. Accordingly, keeping in view the facts and circumstances noticed hereinbefore, the

present revision petition is accepted and the offence, for which, the petitioner is charged is compounded and the judgment 11.08.2015 passed by the Judicial Magistrate 1<sup>st</sup> Class, Karnal, and judgment dated 08.03.2018 passed by the Additional Sessions Judge, Karnal, are set aside and the petitioner is ordered to be acquitted.

As undertaken by the learned counsel for the petitioner, this order will be subject to the payment of Rs.10,000/- as cost for consuming the time of the Courts, to be deposited with Prabh Aasra, (Unit of) u/o Universal Disabled Care Taker Social Welfare Society (who are maintaining Orphans) in Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioner.

**CRM-11544 of 2018 and CRM-11545 of 2018**

As the main case has been decided, these applications have been rendered infructuous.

Disposed of as such.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**20.01.2022**

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |