

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

248

CRR-2352-2018 (O &M)
Date of decision: 02.08.2022

BAL SINGH

.....Petitioner

Versus

JOGINDER SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Manoj Kumar Taya, Advocate
for the applicant-petitioner.

Mr. Sunny Dhull, Advocate
for the respondent-applicant.

SURESHWAR THAKUR, J. (ORAL)

CRM-24877-2018

1. Since, the counsel for the respondent has stated at the bar that he has no objection for allowing the present application seeking relief for condoning the delay of 582 days in filing of the instant petition before this Court.

2. Therefore, the application is allowed, and, the apposite delay of 582 days is condoned.

Main case

1. The convict petitioner herein has suffered concurrent

verdicts of conviction from both the learned Courts below, in respect of notice of accusation drawn under Section 138 of the Negotiable Instruments Act, and, also suffered consequent therewith sentences, as became imposed upon the convict-petitioner herein, inasmuch as, his becoming sentenced to undergo rigorous imprisonment for a term of two years, besides a sentence of fine comprised in a sum of Rs. 1,000/- also became imposed upon him.

2. Be that as it may, during the pendency of the instant criminal revision petition before this Court, a compromise has occurred amongst the petitioner herein, and, the respondent, and, in view of the above, the petitioner has filed CRM-36066-2018, before this Court wherewith becomes appended an affidavit of the complainant, wherein he has deposed that compromise dated 18.05.2018, annexed with the petition as Annexure P-1, is voluntary, genuine and free from any pressure. A perusal of the affidavit reveals, that since the respondent-complainant, has received the entire amount carried in the dishonoured negotiable instrument concerned, thereupon, his prayer as made before this Court, for its proceeding to after making an order for compounding the offences, arising from the dishonoured negotiable instrument concerned, to thereafter accept the criminal revision petition, and, to subsequently acquit the accused of the notice of accusation (*supra*), rather becomes amenable for becoming accepted.

3. In consequence, the order of composition is made in respect of the petition offences, and, also the criminal revision petition is allowed, besides the accused is acquitted of the notice of accusation

(supra). However, the above order is subject to the petitioner depositing within four weeks from today, 15 % of the cheque amount before the Haryana State Legal Services Authority, but since the learned counsel appearing for the petitioner submits that the above deposit has already been made, thereupon, it is not required to be re-deposited, before the Haryana State Legal Services Authority.

4. In view of the above made orders, the order made by the learned Additional Sessions Judge, Karnal on 07.04.2017, declaring the present petitioner as a proclaimed person is also quashed and set aside.

5. Moreover, also on the ground that the report of the serving constable, as became depended upon by the learned Additional Sessions Judge, Karnal, does not suggest, that he had completely satiated, all the components of the mandate, as carried in Section 82 of the Cr.P.C., besides when no further appearance(s) of the present petitioner, is required, neither before the learned trial Judge concerned, nor, before this Court.

6. Since the main case itself has been decided, hence, all the pending application(s), if any, also stand(s) disposed of.

02.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*