

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

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CRR-272-2023 (O&M)
Date of decision: 27.02.2023

Bahadur Singh

.....Petitioner

Versus

The Rajpura Primary Co-operative Agricultural Development Bank,
Rajpura and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satvir Singh, Advocate and
Mr. Sparsh Chhibber, Advocate
for the petitioner.

Mr. Jagdeep Singh, Clerk of respondent No.1-bank.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking setting aside of the judgment and order dated 03.03.2021 passed by learned Judicial Magistrate 1st Class, Rajpura whereby the petitioner has been convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') and sentenced to undergo RI for 02 years along with fine of Rs.10,000/- and the order dated 30.08.2022 passed by learned Additional Sessions Judge, Patiala vide which the appeal preferred by the petitioner was dismissed and conviction of the petitioner upheld.

The petitioner has also filed application bearing No.CRM-4041-2023 under Section 482 of the Cr.P.C. read with Section 147 of the NI Act for compounding of offence.

Learned counsel for the petitioner submits that subsequent to the conviction of the petitioner vide judgment and order dated

03.03.2021, the parties have amicably settled the dispute among themselves and entire outstanding amount stands paid to respondent No.1-bank by way of a cheque. No loan amount is now outstanding against the petition and a No Objection Certificate too has been issued by respondent No.1-bank (Annexure P-1). He further prays to waive off the compounding fee since the petitioner is a poor farmer and sole bread earner of his family. In support, he has relied upon ***Tilak Kataria Vs. State of Haryana and another : 2021(3) RCR (Criminal) 404.***

Respondent No.1 through its Clerk Mr. Jagdeep Singh has put in an appearance in person. He has shown his Identity Card and Aadhaar Card. Duly signed copies of the same are taken on record.

Respondent No.1 does not dispute the submissions made by learned counsel for the petitioner and also does not oppose the prayer made for compounding of offence and for waiving of the compounding fee.

I have heard learned counsel and perused the relevant material on record..

In view of the fact that the parties have amicably settled their dispute and the petitioner has paid the entire outstanding amount of money to respondent No.1-bank for which No Objection Certificate has also been issued by it, CRM-4041-2023 is allowed.

Further, since the petitioner is a poor farmer and the sole bread earner of his family coupled with the fact that respondent No.1 has also not objected, this Court deems it appropriate to waive off the compounding fee.

Since, the application for compounding is allowed, the

instant revision petition is also allowed and impugned judgments and orders of conviction are set aside.

27.02.2023

(MANJARI NEHRU KAUL)

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JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No