

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-10600-2023 in/and
CRR- 617 of 2023
Date of decision : August 02, 2023

Lakhwinder Singh

..... Petitioner

Versus

Sudha Mal Banarsi Dass

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. L. S. Sidhu, Advocate
for the petitioner.

Mr. Brahmeet Singh, Advocate
for the respondent.

PANKAJ JAIN, J. (ORAL)

1. Present petition has been filed impugning the order dated 06.02.2023 passed by Additional Sessions Judge, Moga whereby appeal filed by the petitioner against the judgment and order of sentence dated 03.10.2022 has been dismissed.

On 24.03.2023 following order was passed:

“CRR-617-2023 and CRM-10600-2023

The present revision petition has been filed against the judgment dated 06.02.2023 passed by the learned Additional Sessions Judge, Moga, whereby the appeal No.CRA/202/2022 of the petitioner against the judgment and order of sentence dated 03.10.2022 passed in NACT/152/2018 by the learned JMIC, Moga, was dismissed.

Prayer in the application bearing CRM 10600 of 2023 is for permitting to the petitioner to allow the offence to be compoundable as per affidavit dated 07.01.2023.

In terms of order dated 15.03.2023, report of learned JMIC, Moga, dated 23.03.2023 through learned District and Sessions Judge, Moga, has been received. The same is taken on record. As per the report, the petitioner has surrendered before the Court below and he was sent to Sub Jail Moga to undergo rigorous imprisonment for the period of one year.

Learned counsel for the petitioner submits that the parties have entered into a compromise.

Learned counsel for the respondent affirmed the factum of compromise between the parties.

Let the parties to appear before the trial Court/Duty Magistrate, as the case may be, within a period of 30 days, for getting their statements recorded with regard to the compromise. The statements of the parties with regard to the compromise may be recorded on the same day or on any other day convenient to Illaqa/Duty Magistrate but not later than six days thereof. Trial Court is directed to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise and send the report through the learned District & Sessions Judge, before the next date of hearing.

List on 02.08.2023.

CRM-10602-2023

Present application has been filed by the applicant-petitioner seeking suspension of sentence of the applicant-petitioner during the pendency of the present petition.

Learned counsel for the applicant submits that the parties have entered into a compromise on 07.01.2023 and in this regard, an affidavit of Sh. Pawan Kumar with regard to compromise is annexed as Annexure P-1.

Keeping in view the fact that the parties have entered into a compromise and report from the concerned Magistrate regarding genuineness of compromise is already sought, it is ordered that the remaining sentence of the applicant-petitioner shall remain

suspended during the pendency of the present revision subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned and recovery of amount of compensation awarded vide judgment dated 03.10.2022 is also hereby stayed.

Application stands disposed of.”

Pursuant to the aforesaid order, report from the quarter concerned has been received. The same reads as under:-

“In the above noted criminal petition, in furtherance to order dated 24.03.2023, passed in CRR-617-2023 and CRM-10600-2023, it is humbly submitted that on 13.04.2023 petitioner Lakhwinder Singh alongwith his counsel Sh. Kuldeep Singh Advocate as well as respondent Pawan Kumar attorney holder of complainant firm alongwith his counsel Sh. Harmeet Singh, Advocate have appeared in the Court. Statements of the petitioner as well of respondent were recorded. The compromise is genuine, without any pressure or undue influence. Through the same, the parties stated in unison that they have voluntarily entered into a compromise and that they were making statement in the Court voluntarily, free from any duress or inducement. From the statements of the parties, it is concluded that the compromise so effected between the parties is genuine and voluntary in nature.”

2. In view thereof it can be safely inferred that the complainant has agreed to compound the offence for which the petitioner was convicted under Section 138 of the Negotiable Instruments Act,1881. As per law the offence is compoundable at the instance of the complainant.

3. In view thereof, CRM-10600-2023 as well as the present revision petition is allowed.

4. The offence under Section 138 of Negotiable Instruments Act, 1881 stands compounded.

(PANKAJ JAIN)
JUDGE

August 02, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No