

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(282)

CRM-M-16202 of 2022
DATE OF DECISION:-09.03.2023

Surjit Singh

...Petitioner

vs.

HDFC Bank Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJAPresent: Mr. Rohit Sharma, Advocate, with
Mr. Jagraj Singh, Advocate, for the petitioner.

None for the respondent.

HARKESH MANUJA, J.

By way of present petition filed under Section 482 Cr.P.C. prayer has been made for setting aside the impugned order dated 04.04.2022 passed by Additional Sessions Judge, Moga (Annexure P-3) directing the petitioner to deposit 20% of the cheque amount under the provisions of Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner has produced before this Court an order dated 20.05.2022 passed by the first appellate Court which reads as under:-

“Today respondent has suffered a statement that their bank has effected compromise with the appellant as appellant has made the payment of Rs.6,31,000/- to their bank in full and final settlement. Therefore, their bank want to compound the offence and he has no objections, if instant appeal is allowed and impugned judgment of conviction and order of sentence are set aside.

Appellant has also suffered a statement that he has heard the statement of Shri Sandeep Garg, Deputy Manager of respondent/complainant bank and same is correct. His appeal may please be allowed accordingly and impugned judgment of

conviction and order of sentence may also be set aside. He has further he is poor person and taken money from relative and friends to pay the amount to respondent. Compounding fee be waived off or reduced. In these circumstances, appellant is directed to deposit Rs.30,000/- as compounding fee. On request, case is now adjourned to 30.05.2022 for producing the receipt qua depositing of compounding fee.”

In view of the aforesaid order passed by the first appellate Court, the present petition has been rendered as infructuous.

Disposed of accordingly.

09.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No