

CRM-17420-2023 in/and
CRR-1106-2007 (O&M)

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107 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-17420-2023 in/and
CRR-1106-2007 (O&M)
Date of Decision: 21.04.2023

Rakesh Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab
for respondent No.1/State.

Mr. Gaurav Goel, Advocate
for respondent No.2.

HARSH BUNGER J.

CRM-17420-2023:

Present application has been filed by respondent No.2 for preponing the date of hearing in main case, i.e. CRR-1106-2007, from 17.05.2023 to an early actual date.

For the reasons mentioned in the application, the date of hearing in main case (CRR-1106-2007) is preponed from 17.05.2023 to today itself and the same is taken on Board.

Application is accordingly disposed of.

CRM-17421-2023 in/and CRR-1106-2007:

CRR-1106-2007 is filed for setting aside impugned judgment

of conviction and order of sentence dated 28.11.2006 passed by the Court of Chief Judicial Magistrate, Fatehgarh Sahib as well as judgment dated 28.05.2007 passed by the Court of Additional Sessions Judge, Fatehgarh Sahib, thereby upholding the aforesaid judgment of conviction and order of sentence dated 28.11.2006.

2. Vide aforesaid order of sentence dated 28.11.2006, the petitioner (Rakesh Kumar) was sentenced as under:-

Offence u/s	Imprisonment
138 of the Negotiable Instruments Act	Rigorous imprisonment for a period of six months along with payment of fine of Rs.1,500/- and in default thereof to further undergo imprisonment for a period of one month.

3. An appeal filed by the petitioner against the aforesaid said judgment of conviction and order of sentence dated 28.11.2006 was dismissed by the Court of Additional Sessions Judge, Fatehgarh Sahib vide its judgment dated 28.05.2007. Accordingly, the instant petition has been filed before this Court.

4. Learned counsel for respondent No.2 by filing application (CRM-17421-2023) submits that the petitioner (Rakesh Kumar) has died on 04.02.2019, however, the matter had already been compromised between the parties concerned during the life time of petitioner (Rakesh Kumar). Learned counsel further submits that nothing remains due against the petitioner in the instant case, thus the petition be disposed of as having been rendered infructuous.

5. I have heard learned counsel for respondent No.2 and perused the paper book.

6. A perusal of paper book reveals that on 05.07.2017, the following order was passed in this case:-

“Learned counsel for the petitioner submitted that as per the information received by her, the parties have compromised the matter. She seeks adjournment.

Adjourned to 11.7.2017.”

7. As per the aforesaid order dated 05.07.2017 and also the stand taken by respondent No.2 in the application (CRM-17421-2023), since the matter stood compromised between the parties concerned during the lifetime of petitioner-Rakesh Kumar, who is stated to have expired on 04.02.2019, thus, nothing survives in this case and the matter is accordingly disposed of as having been compromised.

8. All pending application(s), if any, shall also stand closed.

21.04.2023
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No