

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:096527
CRM-M-36495-2023
Date of Decision: July 28, 2023

Renu Arora

...Petitioner

Versus

Davinder Kumar Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kulwinder Bhargav, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner as convicted by the Court of learned Judicial Magistrate 1st Class, Jalandhar, in complaint case bearing No.NACT-1222-2012, titled as *“Davinder Kumar Gupta v. Renu Arora”*, vide judgment dated 14.12.2022 under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay compensation equivalent to the cheque amount along with interest @ 12% per annum from the date of advancement. Petitioner filed appeal against the aforesaid judgment of conviction and order of sentence, which is pending in the Court of learned Addl. Sessions Judge, Jalandhar.

Learned counsel for the petitioner contends that before the Lower Appellate Court, petitioner moved an application (Annexure P-3) for compounding the offence in the light of Apex Court judgment *“M/s. Meters and Instruments Private Limited and another v. Kanchan Mehta”* and also taking into account the guidelines as laid down in *“Damodar S. Prabhu v. Sayyad Babalal H.”, 2010(2) SCC (Cri) 1328.*

However, the said application is not being disposed of.

Learned counsel for the petitioner contends that petitioner is ready to

compound the matter, but the Sessions Court is proceeding with the appeal without disposing of the said application.

Learned counsel for the petitioner submits that the petitioner will be satisfied in case, the application (Annexure P-3) seeking compounding the offence, is entertained and adjudicated by the Sessions Court, as per the law laid down in *Damodar S. Prabhu's* case (*supra*).

Keeping in view the prayer made by learned counsel for the petitioner, this Court does not find it a proper case to issue notice to the respondent.

Considering the facts and circumstances, particularly, the fact that offence under Section 138 of the Negotiable Instruments Act, is compoundable at any stage and petitioner is willing to compound the offence, the Lower Appellate Court is hereby directed to entertain the application (Annexure P-3) moved by him, seeking compounding the offence and adjudicate the same, in accordance with law, especially, in the light of *Damodar S. Prabhu's* case (*supra*).

Disposed of.

July 28, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No