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

CRR-2767-2022 (O&M)

Decided on:-06.01.2023

Gurmeet Singh Brar

....Petitioner..

vs.

State of Punjab and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab,
for respondent No.1-State.

HARKESH MANUJA J.

CRM-48166-2022

Prayer in this application is for condonation of delay of 16 days in filing the revision petition.

Heard.

For the reasons mentioned in the application, which is duly supported by an affidavit, sufficient cause has been made out for condoning the delay of 16 days in filing the revision petition. Accordingly, delay of 16 days in filing the revision petition is condoned.

CRM stands disposed of.

Main case

The present revision petition arises out of the judgments dated 28.02.2022 and 22.08.2022 passed by the Courts of learned Sub-Divisional Judicial Magistrate, Baghapurana and learned Additional Sessions Judge,

Moga, whereby the petitioner has been ordered to be convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short, “Act”), for a period of one year along with a fine of Rs.3000/- and further, in case of default of fine, to further undergo rigorous imprisonment for a period of 15 days, even affirmed in appeal.

The facts leading to the present case are that on account of dishonour of one cheque bearing No.864290 dated 30.10.2019 issued by the petitioner in favour of respondent No.2-Bank, a complaint under Section 138 of the Act came to be filed at the instance of respondent No.2-Bank, wherein, the petitioner was convicted and sentenced as under:-

“To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.3000/- . In default in payment of fine, he will further undergo rigorous imprisonment for a period of 15 days.”

Aggrieved against the aforesaid, the petitioner filed an appeal, which was dismissed vide judgment dated 22.08.2022 passed by the court of learned Additional Sessions Judge, Moga. These are the aforesaid two judgments, which have been impugned by way of present revision petition.

The dispute in the present case has been of non-payment of Rs.48,080/- by the petitioner to respondent No.2-Bank towards the housing loan.

In pursuance to the notice of motion order dated 13.12.2022, Sh. Ravi Deep Singh son of Gurmeet Singh, Officer Scale-1, Punjab Gramin Bank, Head Office, Jalandhar Road, Kapurthala has appeared on behalf of respondent No.2-Bank and produced photocopy of power of attorney issued in his favour at the instance of respondent No.2-Bank along with his Identity

Card as well as Aadhar Card, which are taken on record as Mark 'X' , 'Y' and 'Z'.

Learned counsel for the petitioner submits that the petitioner has already cleared the amount due towards respondent No.2-Bank and a NOC dated 30.08.2022 (Annexure A-1 at page 34) in this regard already stands issued in his favour.

The representative appearing on behalf of respondent No.2 accepts and acknowledges the issuance of NOC in favour of petitioner and submits that as on today nothing remains due towards respondent No.2-Bank.

Learned State counsel has not made any serious opposition to the present petition.

I have heard learned counsel for the parties and gone through the paper book.

The only issue in the present case has been of non- payment of installments of housing loan by the petitioner to respondent No.2-Bank, which now, stands cleared and an NOC in that regard has already been issued in favour of the petitioner by respondent-Bank. As such, no useful purpose is going to be served by continuing with the present proceedings. Even otherwise, the petitioner has already faced the agony of trial for a period of almost 3 years.

Considering the fact that the petitioner is first offender and had returned the amount due towards the respondent-Bank, the punishment awarded to him is ordered to be reduced, to payment of fine of Rs.5,000/- to be paid within a period of two weeks from today to the respondent-Bank.

In the light of what has been discussed above, the revision
petition is disposed of in the manner indicated.

06.01.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No