

CRM-44657 of 2018
in CRR No. 5044 of 2018

CRM-44575 of 2018 in
CRR No. 5032 of 2018

CRM-44648 of 2018 in
CRR No. 5041 of 2018

The applications are filed to condone the delay of 1023 days in filing the revision petition.

Heard.

For the reasons mentioned in the applications and in the interest of justice, such delay is condoned.

The applications are allowed.

CRM-9571 of 2023 in
CRR No. 5044 of 2018

CRM-9578 of 2023 in
CRR No. 5032 of 2018

CRM-9922 of 2023 in
CRR No. 5041 of 2018

After hearing learned counsel for the applicant-revision petitioner and counsel for the complainant, in the interest of justice the order dated 3.3.2020 are recalled and the revision petitions are ordered to be listed at its original number.

The applications are allowed accordingly.

CRR No. 5044 of 2018 &
CRR No. 5032 of 2018 &
CRR No. 5041 of 2018

1. My this order shall dispose of three criminal revision petitions bearing CRR No. 5044 of 2018 titled ‘Shilpa Aggarwal Versus Sarabjit

Singh' CRR No. 5032 of 2018 and CRR No. 5041 of 2018 having similar title.

2. Briefly stated facts of the case are that complainant Sarabjit Singh had brought three complaints under Section 138 of the Negotiable Instruments Act against accused Shilpa Aggarwal on the allegations that she had issued three cheques in the sum of Rs.50,000/- each dated 15.11.2009, 5.12.2009 and 5.2.2010 drawn on Central Bank of India, Sector 37, Chandigarh from her account in favour of complainant towards discharge of financial liability. However, on presentation the cheques were received back uncashed due to insufficient funds in the account of the accused. The complainant was informed accordingly. He had served legal notices through his counsel upon the accused calling upon her to make the payment of cheque amounts within stipulated period but she failed to do so despite due service, as such the complaints were filed.

3. After recording of preliminary evidence of the complainant, accused was summoned. She put in appearance. Notice of accusation for offence under Section 138 of the Negotiable Instruments Act was served upon her to which she pleaded not guilty.

4. The complainant led oral as well as documentary evidence. Statement of accused was recorded under Section 313 Cr.P.C. She denied the allegations and pleading innocence.

5. After hearing arguments the trial Magistrate vide separate judgements dated 16.12.2014, convicted the accused for offences under Section 138 of the Negotiable Instruments Act sentencing her to undergo

simple imprisonment for two years and to pay fine of Rs.2000/-, in default of payment of fine to undergo simple imprisonment for one month.

6. Feeling aggrieved the accused had preferred appeals before Sessions Court at Patiala but was unsuccessful. Thereafter she had preferred revision petitions before this Court, notices of which were given to respondent complainant.

7. The revision petitions had been withdrawn by the revision petitioner previously on 1.4.2022. Subsequently in view of applications moved the orders have been recalled for the reason that the matter has been compromised between the parties. Learned counsel appearing for the respondent has admitted the factum of compromise having been arrived at between the revision petitioner and complainant Sarabjit Singh and revision petitioner having received settled amount from the revision petitioner stating that complainant has no objection if the revision petition is accepted and the revision petitioner is acquitted.

8. Learned counsel for the revision petitioner has pointed out that the revision petitioner had been convicted in five cases and she had filed five revision petitions. In two other petitioner bearing CRR-5027-2018 (O&M) vide order dated 22.12.2022 the revision petition has been accepted. The matter had been ordered to be compounded and this very order has been passed in CRR-5028-2018 (O&M) on that very date.

9. Section 147 of the Negotiable Instruments Act, 1881 provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence punishable under the Act shall be compoundable. Under

