

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20740-2024 (O&M)
Reserved on: 15.05.2024
Pronounced on: 29.05.2024

Hari Om Sharma
... Petitioner(s)
Versus
State of Haryana and another
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Ms. Harshita Kalra, Advocate
for the petitioner(s).
Mr. Rajat Gautam, Addl.A.G., Haryana (through VC).
Mr. Ishant Khangwal, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

Criminal Complaint	No. RBT-179-2017 under Section 138 and 142 of the Negotiable Instruments Act, District Kurukshetra. Date of decision: 15.11.2017/16.11.2017
Criminal Appeal	No. 454 of 2017, Addl. Sessions Judge, District Kurukshetra. Date of decision: 05.07.2023

Convict's name	Penal provision	Sentence
Hari Om Sharma	S. 138 of the Negotiable Instruments Act, 1881	R.I. for two years and pay compensation of Rs.5,50,000/- under Section 357(3) CrPC

Seeking the quashing of proclamation order dated 5.7.2023 (Annexure P-3) passed by Additional Sessions Judge, Kurukshetra, the petitioner-accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2. Petitioner was arraigned as an accused in the above-captioned matter. After conviction, the petitioner filed an appeal before the Sessions Court, but due to his non-appearance, his bail was cancelled. On failure to serve the petitioner through the

ordinary process, including summons,ailable warrants, and even non-ailable warrants, the concerned Court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 5.7.2023 and dismissed the appeal filed by him.

3. Aggrieved of the said judgment dated 5.7.2023, the petitioner filed a revision petition i.e. CRR No.1692 of 2023 before this Court, for setting aside of judgment of conviction and order of sentence passed by the trial Court which was affirmed by the Sessions Court. The said revision petition has been allowed vide separate order of even date.

4. The explanation offered by the petitioner is that neither the proclamation was publicly read in any conspicuous place of the town where the petitioner resides or affixed the same in his house or the Court premises as envisaged under Section 82(2) CrPC. Moreover, a settlement has already been taken place between the parties and statement *qua* settlement has been recorded and as a result thereof, the complaint in question as well as the impugned judgments of conviction and order of sentence shall be set aside.

5. Be that as it may, much water has flown over the bridge and pursuant to settlement between the parties, the judgment(s) of conviction and sentence have been set aside vide separate order of even date.

6. Consequently, the impugned order of proclamation dated 5.7.2023 passed by Id. Additional Sessions Judge, Kurukshetra, Annexure P-3, is set aside. Petitioner is at liberty to file fresh petition for quashing of FIR, if any, registered under Section 174A IPC pursuant to impugned order.

Petition allowed subject to the compliance mentioned above. All pending application(s), if any, shall stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 29, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No