



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2545-2014

Date of Decision: 18.05.2024

MAGA SINGH

.... PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.... RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Sh. Harbhajan Singh, father of the petitioner, in person.

Mr. Randhir Singh, Addl. AG., Haryana.

Mr. Nitin Thatai, Advocate, for the respondent No.2.

DEEPAK GUPTA, J.

Petitioner-Maga Singh was convicted, in a Criminal Complaint No.1862-2/2008, by the Court of Ld. JMIC, Ambala for an offence under Section 138 of the Negotiable Instruments Act, 1881 [for short 'the NI Act'] vide judgment dated 07.10.2011; and vide a separate order dated 12.10.2011, was sentenced to undergo simple imprisonment for a period of 1 year and to pay compensation amount of ₹1 lakh to the complainant-respondent i.e. Mahindra & Mahindra Financial Services Limited.

2. Criminal Appeal No.488 of 2011 filed by the petitioner-Maga Singh was dismissed by the Court of Additional Sessions Judge, Ambala vide order dated 11.08.2014. Petitioner was taken into custody. Thereafter, petitioner approached this Court by way of the present petition.

3. Vide order dated 22.08.2014, petitioner was ordered to be released on bail by this court and the recovery of the compensation amount was stayed. As the matter was later listed for hearing, nobody put in

appearance for the petitioner on 13.05.2019 and so, SHO, Police Station Dhand, District Kaithal was directed to produce him before this Court. However, it was informed by respondent No.2/complainant on 14.01.2020 that petitioner had left for abroad without seeking permission of the Court. Said fact was not disputed by counsel for the petitioner. In these circumstances, order dated 22.08.2014, earlier passed by this Court was vacated.

4. Warrants of arrest were issued against the petitioner but the same have been received back unexecuted with the report that petitioner has gone to Italy. Today, father of the petitioner is present in-person, who says that he is ready to pay the compensation amount to the complainant. Said request is declined.

5. In the aforesaid facts and circumstances, the present revision is hereby dismissed in default for want of prosecution.

7. Copy of the order be sent to the Court of Id. Chief Judicial Magistrate, Ambala, for carrying out the sentence imposed upon the petitioner by the trial court, consequent to his conviction, and as has been confirmed by the Court of Sessions, by procuring his presence in accordance with law.

Pending application(s), if any, also stand disposed of.

18.05.2024
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>