

CRA-S-529-SB-2010 (O & M)

2025:PHHC:067585



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-529-SB-2010 (O & M)

Date of decision: 20.05.2025

Suresh Kumar @ Sudesh Kumar

..... Appellant

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Partap Singh Gill, Advocate, for the appellant.

Mr. Ashish Naik, Advocate, for respondent No.2.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The present appeal has been filed against the judgment of acquittal dated 30.10.2007 passed by the Chief Judicial Magistrate, Nawanshahar.

2. The criminal complaint in the present case came to be instituted on 10.03.1997. The judgment of acquittal was passed on 30.10.2007. The present appeal against the judgment of acquittal was filed on 18.01.2008 and has come up for final hearing now i.e. after a period of 28 years years having elapsed from the date of the institution of the complaint.

3. The brief facts of the case are that the accused-respondent No.2/Bhagirath Ram Gaur had issued a cheque bearing No.A-335/222034 dated 06.10.1996 for a sum of Rs.50,000/- drawn on State Bank of India, Jodhpur Branch in discharge of his liability towards the complainant-Hardit Sharma (since deceased). On 22.01.1997, when the aforesaid cheque was presented for encashment, the same was received back dishonoured as the



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payment thereof had been stopped by the drawer. The accused/respondent No.2 was served with a legal notice dated 08.02.1997 but he failed to make the payment, leading to the institution of the present complaint.

4. In view of the case set up by the complainant and the preliminary evidence brought on record by him, the accused-respondent No.2 was summoned to face Trial. On his appearance, he was released on bail. A notice of accusation for commission of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 was issued to the accused-respondent No.2 to which he did not plead guilty and claimed Trial.

5. In order to substantiate its case, the complainant examined Darshan Lal-Record Keeper as PW-1 and Rajesh Kumar as PW-2.

6. After the closure of evidence by the complainant, the statement of the accused was recorded under Section 313 Cr.P.C. wherein he denied the allegations levelled against him and pleaded false implication.

7. The accused-respondent No.2 tendered the attested copy of the statement of account as Ex.D-1 and certified copy of the judgment dated 16.12.2000 passed by the Court of Upper Sessions Judge No.3, Jodhpur as Ex.D-2.

8. Based on the evidence led, the accused/respondent No.2-Bhagirath Ram Gaur came to be acquitted vide judgment dated 30.10.2007 passed by the Chief Judicial Magistrate, Nawanshahar.

9. The aforementioned judgment is under challenge before this Court.



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10. The learned counsel for the appellant-Suresh Kumar @ Sudesh Kumar son of the complainant-Hardit Sharma (since deceased), at the very outset, submits that during the pendency of the present appeal, a settlement has been arrived at between the parties. In pursuance thereof, the accused-respondent No.2 has handed over a demand draft bearing No.194120 dated 14.05.2025 in favour of the appellant-Suresh Kumar @ Sudesh Kumar for a sum of Rs.1,60,000/- against the dishonoured cheque for a sum of Rs.50,000/- as full and final settlement. A copy of the aforesaid demand draft is taken on record as Mark 'A'. Therefore, he does not wish to pursue the present appeal and the same may be dismissed as withdrawn.

11. The learned counsel for respondent No.1-State as well as the counsel for respondent No.2 contend that as the matter has been compromised and a demand draft bearing No.194120 dated 14.05.2025 for a sum of Rs.1,60,000/- has been handed over to the learned counsel for the appellant, they have no objection to the prayer of the learned counsel for the appellant.

12. I have heard the learned counsel for the parties.

13. In view of the statement made by the learned counsel for the parties, the present appeal is ordered to be dismissed as withdrawn.

(JASJIT SINGH BEDI)
JUDGE

May 20, 2025

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No