



267 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRR-2647-2022 (O&M)
Date of Decision: 27.01.2025

VINOD GHAI @ VENOD GHAI

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

Mr. Rahul Rana, Advocate for
Mr. V.K. Gupta, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Present revision petition has been filed against the judgment dated 01.11.2022 passed by learned Additional Sessions Judge, Ludhiana vide which the judgment of conviction and order on quantum of sentence dated 20.08.2018 passed by learned Judicial Magistrate Ist Class, Khanna have been upheld.
2. Following order was passed on 05.12.2022:

CRM-46514-2022

Heard.

Allowed as prayed for.

*Documents (Annexures P-1 to P-9) are taken on record
subject to all just exceptions.*

CRR-2647-2022 (O&M)

Counsel for the petitioner has argued that the complainant had died and he has prepared a demand draft of the cheque amount of Rs.4,36,400/- and the same will be deposited. It is also submitted that the petitioner will hand over a demand draft of the cheque amount of Rs.4,36,400/-, favouring the son of the deceased namely Yogesh Goyal, within a period of 07 days from today, before the trial Court, at the time of furnishing bail/surety bonds.

Counsel for the petitioner has also submitted that the



CRR-2647-2022 (O&M)

-2-

petitioner is an old man aged about 70 years and is suffering from multiple health problems and at the time, when the appeal was decided, he was not present and was not taken in custody. It is further contended that the petitioner is ready to settle the entire dispute with the son of the complainant and to show his bona fide, he has prepared a demand draft of Rs.4,36,400/-, which will be handed over to the son of the complainant Yogesh Goyal before the trial Court. Lastly, it is submitted that since the petitioner has deposited 20% of the cheque amount i.e. 1,09,100/- before the Lower Appellate Court, in terms of a specific order and will raise no objection if the said amount is also released in favour of the son of the complainant so as to amicably settle the dispute.

Notice of motion.

Mr. Navneet Singh, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

Counsel for the petitioner is directed to supply a copy of paperbook to counsel for the State during course of the day.

List again on 28.02.2023.

CRM-46516-2022

Prayer in this application is for suspension of sentence of the applicant/petitioner namely Vinod Ghai @ Venod Ghai.

Since, counsel for the petitioner has argued that the petitioner is ready to settle the entire dispute with the son of complainant Yogesh Goyal and to show his bona fide, he is ready to deposit the cheque amount of Rs.4,36,400/- in favour of Yogesh Goyal and even 20% of the cheque amount has already been deposited with the Lower Appellate Court, the present application is allowed and the remaining sentence of the applicant/petitioner shall remain suspended during pendency of the appeal, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

This will however, be subject to the condition that the applicant/petitioner will hand over a demand draft of Rs.4,36,400/- favouring the son of the complainant namely Yogesh Goyal, before the Chief Judicial Magistrate/Duty Magistrate, concerned, at the time of furnishing bail/surety bonds.

3. Learned counsel for the petitioner submits that in compliance of aforementioned order, a demand draft of Rs. 4,36,400/- has been handed over to son of the complainant namely Yogesh Goyal before the Chief



Judicial Magistrate concerned. Learned counsel appearing for respondent No. 2 affirms the factum of receipt of the aforementioned amount. Thereafter, both the counsels are *ad idem* that 20% of amount i.e. Rs. 1,09,100/- deposited before the learned lower Appellate Court be handed over to son of the complainant i.e Yogesh Goyal and further the petitioner, during the pendency of present petition, has died.

As such, the proceedings against the petitioner stands abated.

However, in view of the statement made by learned counsel for the petitioner and learned counsel representing the respondent No. 2, the amount of Rs. 1,09,100/- deposited before the lower Appellate Court be handed over to Yogesh Goyal-son of respondent No. 2 against proper receipt.

Present petition is disposed of in aforesaid terms.

(HARPREET SINGH BRAR)
JUDGE

27.01.2025
Ajay Goswami

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