

2025:PHHC:089286



CRM-M-4928-2020 (O & M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(303)**

CRM-M-4928-2020 (O & M)

Date of decision: 21.07.2025

Rajesh Jain @ R.K. Jain

..... Petitioner(s)

V/s

Mr. Palla Ram Kundu

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Mehendiratta, Advocate, Legal Aid Counsel (Amicus),
for the petitioner.

Mr. Manjeet Singh, Advocate, for the respondent.

JASJIT SINGH BEDI, J. (Oral)

CRM-34537-2021

The application for placing on record the judgment dated 19.09.2013 passed by the Sessions Judge, Jind in Criminal Appeal No.83 of 20/04/2021 is allowed as prayed for subject to all just exceptions. The same is taken on record.

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The prayer in the present petition under Section 482 Cr.P.C. is for setting aside the order dated 31.10.2019 whereby the prayer of the applicant for payment of interest on the awarded compensation of Rs.25,000/- has been declined.

2. On 04.02.2020, the following order was passed:-



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“Petitioner inter alia contends that pursuant to order dated 19.09.2013 of the appellate Court, accused Palla Ram deposited `25,000/- in treasury on 01.10.2013 vide challan No.14195. Despite repeated prayers made by the petitioner, same was not released by the Court to him. Since it was the lapse of the Court in not disbursing the amount to the petitioner for around six years, appellate Court was required to pay interest to the petitioner, which has illegally been declined vide impugned order. In support of this contentions, petitioner relied upon judgment of the Hon'ble Supreme Court in Jang Singh v. Brij Lal and another, 1966 AIR (SC) 1631, wherein it has been held that if a person is harmed by a mistake of the Court, he should be restored to the position he would have occupied, but for that mistake.

Notice of motion for 21.4.2020.

In the meanwhile, comments of learned Sessions Judge, Jind, be called for the next date for late disbursement of compensation of `25,000/- deposited by the accused.”

3. In deference to the aforementioned order, the District and Sessions Judge, Jind submitted his report. The extract of which is reproduced as under:-

“Aggrieved by the impugned judgment of conviction and order of sentence, accused Pala Ram preferred an appeal titled as Pala Rom vs. Dr.Rajesh Jain, which was decided by Shri Sant Parkash, the then learned District & Sessions Judge, Jind vide judgment dated 19.09.2013 upholding the judgment of conviction delivered by learned lower Court observing as under:-



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"As regard to the quantum of sentence, learned counsel for the appellant prayed that a lenient view be taken keeping in view the financial status of the appellant as well as the amount of cheque in question and prayed for releasing the appellant on probation. Keeping in view the gravity of offence and in view of the facts and circumstances, as the appellant has already deposited the whole decretal amount including the amount of cheque in question in the account of the complainant, I am of the considered view that the ends of justice will meet if the instead of sentencing the appellant to immediate imprisonment, he is given benefit of Probation of Offenders Act. Therefore, in the interest of justice, appellant is ordered to be released on probation for a period of one year upon his executing probation bonds in the sum of Rs.50,000/- with one surety of the like amount with direction to keep the peace and to maintain good behaviour during the said period of probation. He is also directed to pay amount of Rs.25,000/- as compensation to the complainant-respondent with the direction to deposit the said amount in the District Treasury within fifteen days and thereafter, the amount be disbursed to the complainant-respondent as per law. This order of releasing the appellant on probation is subject to the condition of deposit of the amount of compensation and if the same is not deposited, the appeal qua sentence shall also stands dismissed and the appellant will appear before the learned Trial Court and receive the sentence already awarded. Hence, the appeal is disposed of with these directions".

In compliance with aforesaid judgment dated 19.09.2013, accused Pala Ram had deposited amount of Rs.25,000/- vide Treasury Challan No.14195 dated 03.10.2013.

Thereafter, on 19.10.2019, complainant Rajesh Jain had moved an application for disbursing of compensation money of Rs.25,000/-awarded on 19.09.2013 along with compound penal interest @ 24% per annum. Said application was treated as CRM and registered at No.218 dated 22.10.2019 and office report was called for 23.10.2019. In his report dated 23.10.2019, concerned Ahlmad has reported that in compliance of judgment dated 19.09.2013, appellant-accused Pala Ram



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had deposited amount of Rs. 25,000/- on 03.10.2013. However, neither claimant/respondent Rajesh Jain had come forward for disbursement of said amount nor moved any application for the same in the Court as per record. Thereafter, notice to Dr.Rajesh Jain was issued for 31.10.2019 and on that date, the amount of Rs. 25,000/- was ordered to be disbursed to Dr.Rajesh Jain. It was further ordered that refund voucher/E-Voucher amounting to Rs.25,000/- be issued to Dr.Rajesh Jain as per Rules. Thereafter, on 15.11.2019, concerned Ahlmad reported that in compliance of order dated 31.10.2019, E-Voucher amounting to Rs. 25,000/- was prepared by the Nazir but the same could not be disbursed as Bank/Account details of Dr.Rajesh Jain were not available on the file which were necessary for the aforesaid payment. Thereafter, on 15.11.2019, notice to Dr.Rajesh Jain was issued for 22.11.2019 asking him to furnish his bank account details. On 22.11.2019, none came present before the court and notice issued to Dr.Rajesh Jain received back with the report that he could appear in the Court only on Monday. Thereafter, on request made on the notice, case was adjourned to 25.11.2019 for further proceedings. On 25.11.2019, Dr.Rajesh Jain appeared before the Court and furnished bank account details and thereafter, in pursuance of order dated 31.10.2019, refund voucher/E-voucher for an amount of Rs. 25,000/- was ordered to be issued in favour of applicant as per Rules. In compliance of order dated 25.11.2019, amount of Rs.25,000/- was disbursed to Dr.Rajesh Jain vide DRO dated 26.11.2019. Since, Dr. Rajesh Jain did not come forward to collect the payment well in time and there was no fault on the part of this court in making payment of compensation amounting to Rs. 25,000/-, he was not entitled to interest.

Report submitted please.”



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4. A perusal of the aforementioned report would reveal that the compensation amount was deposited in October, 2013 after the Appellate Court had upheld the conviction on 19.09.2013. However, uptill 2019, the applicant-complainant did not move any application for release of the amount which had already been deposited by the convicted accused.

5. In view of the above, I find no merit in the present petition and the same stands dismissed.

July 21, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No