

(2021) 07 SHI CK 0196
In the High Court Of Himachal Pradesh
Case No : Criminal Revision No.139 Of 2021

Vikram Singh

APPELLANT

Vs

Surinder Mohan Gupta And Another

RESPONDENT

Date of Decision : 19-07-2021

Acts Referred:

Citation : (2021) 07 SHI CK 0196

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : J.R. Poswal, Mehar Chand, Raju Ram Rahi

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. Present Criminal Revision Petition has been filed, assailing judgment dated 12.7.2019, passed by learned Sessions Judge, Kangra at Dharamshala,

Himachal Pradesh, in Criminal Appeal No.41-B/2014, titled as Vikram Singh v. Surinder Mohan Gupta & another, whereby judgment and order of

conviction and sentence dated 23.7.2014, passed by learned Judicial Magistrate 1st Class, Baijnath, District Kangra, Himachal Pradesh, in Criminal

Complaint No.29-III/13, titled as Surinder Mohan Gupta v. Vikaram Singh, convicting and sentencing the petitioner-accused to undergo simple

imprisonment for a period of three months and to pay compensation amount of Rs.1,20,000/- to the complainant, has been affirmed.

2. Complainant-respondent No.1 Surinder Mohan Gupta and petitioner Vikaram Singh are present in person. Their statements have been recorded

separately, on oath, and placed on the file.

3. Complainant Surinder Mohan Gupta has stated that he has received total

amount of compensation of Rs.1,20,000/- from the accused-petitioner

Vikram Singh and has prayed for permission to withdraw the complaint. Complainant-Vikram Singh has endorsed the statement made by Surinder

Mohan Gupta and has stated that he could arrange the compensation amount to be paid to the complainant from here and there. He has requested for

exemption from payment of compounding fee or has prayed that lesser compounding fee may be imposed. They have also stated that they have

deposed in the Court out of their free will, consent and without any threat, coercion or pressure of any kind.

4. Learned counsel for the petitioner has submitted that the petitioner is a poor person and due to financial crunch he could not repay the amount of

cheque to respondent No.1â?" complainant and, therefore, by taking a lenient view, instead of 15% of cheque amount as compounding fee, either the

petitioner may be exempted or lesser amount of compounding fee be imposed upon him, particularly keeping in view the ratio of law laid down by the

Apex court in Damodar S. Prabhu v. Sayed Babalal H., (2010) 5 SCC 663, as clarified in Madhya Pradesh State Legal Services Authority v. Prateek

Jain and another, (2014) 10 SCC 690.

5. Considering the submissions made by learned counsel for the petitioner, instead of 15% of cheque amount as compounding fee, petitioner is directed

to deposit a sum of Rs.5,000/- with the Himachal Pradesh State Legal Services Authority, Shimla, within four weeks from today, failing which

judgments passed by the Courts below shall revive.

6. Registry to transmit a copy of this Judgment to the Himachal Pradesh State Legal Services Authority, Shimla.

7. Petition stands disposed of, in the aforesaid terms, so also pending application, if any.

Petitioner is permitted to produce a copy of this judgment, downloaded from the web-page of the High Court of Himachal Pradesh, before the

authorities concerned, and the said authorities shall not insist for production of certified copy, but, if required, may verify it from the Website of the

High Court.