

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR-1801-2006 (O&M)
Date of decision : 02.09.2015**

Piare Lal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

None for respondent No.2.

JITENDRA CHAUHAN, J.

The present petition has been preferred by the petitioner against the judgment and order dated 19.12.2005, passed by the learned Judicial Magistrate 1st Class, Jalandhar, (for short, 'the trial Court'), convicting him under Section 138 of the Negotiable Instruments Act and sentencing him to undergo rigorous imprisonment for a period of 01 year and to pay a fine of ₹2,000/- or in default thereof, to further undergo rigorous imprisonment for a period of 01 week; and judgment dated

18.08.2006, passed by the learned Additional Sessions Judge (Ad hoc), Jalandhar, (for short, 'the appellate Court'), whereby the judgment and order passed by the learned trial Court has been upheld.

Heard.

The learned counsel for the petitioner contends that disputed amount in this case is Rs.50,000/-. The parties have amicably resolved the dispute and entered into a compromise dated 07.01.2010, wherein, it has been specifically stated by the complainant that nothing remains due to him by the petitioner. true copy of the compromise has also been placed on record as Mark 'A'.

In view of the consensus reached between the parties, the petitioner is directed to deposit fifteen per cent of the cheque amount with the High Court Legal Services Committee, in terms of the judgment passed in ***Damodar.S.Prabhu v. Sayed Babalal.H. [JT 2010(4) SC 457]***, within a period of two months from the date of receipt of a certified copy of this judgment and a report in this respect be sent to the Registrar General of this Court.

In view of the above, the present revision petition is allowed, judgment of conviction and order of sentence dated 19.12.2005, passed by the learned trial Court, and judgment dated 18.08.2006, passed by the learned appellate Court, are set aside

and the petitioner is acquitted of the offence, he is charged with on the basis of compounding.

In case, the compounding fee is not deposited within the stipulated period, the present petition shall be deemed to have been revived without further notice.

02.09.2015

atulsethi

(JITENDRA CHAUHAN)
JUDGE