

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

Criminal Revision No.2143 of 2006 (O&M)
Decided on:-December 09, 2015.

M/s Har Gobind Traders.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Ms. Amandeep Kaur, Advocate, for
Mr. J.B.S. Gill, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. K. Arun Singh, Advocate, for
Mr. H.S. Dhindsa, Advocate
for respondent No.2.

HARI PAL VERMA, J. (ORAL)

M/s Har Gobind Traders, Commission Agent has filed the present revision petition through its Proprietor Jodh Singh, resident of Village Lameen, Tehsil Dasuya, District Hoshiarpur challenging the judgment dated 21.09.2006 passed by learned Additional Sessions Judge,

Hoshiarpur whereby the appeal filed against the judgment of conviction and order of sentence dated 19.08.2003 passed by learned Sub-Divisional Judicial Magistrate, Dasuya in complaint case No.37-C of 26.03.1999 titled as ***Sukhwant Singh Vs. M/s Har Gobind Traders*** was dismissed.

Vide judgment dated 19.8.2003, learned Magistrate had convicted petitioner Jodh Singh under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act') and vide separate order of that date, sentenced him to undergo imprisonment for one year and to pay a fine of Rs.5,000/-. In default of payment of fine, the petitioner-accused was further directed to undergo imprisonment for two months.

During the pendency of this petition, vide order dated 28.10.2015, on the joint request of learned counsel for the parties, the matter was referred to the Mediation and Conciliation Centre of this Court and the parties were directed to appear before the Mediation and Conciliation Centre on 02.11.2015.

Pursuant to the aforesaid order dated 28.10.2015, the parties appeared before the Mediation and Conciliation Centre of this Court.

Learned counsel for the parties jointly submit that the parties have settled the dispute by way of amicable settlement/agreement. The said settlement/agreement entered between the parties before the Mediation and Conciliation Centre of this Court on 04.12.2015 is part of the record.

Learned counsel for the petitioner submits that the petitioner

will be satisfied if the judgment of conviction is upheld, but prays that the sentence awarded to the petitioner may be reduced for the period already undergone by him.

I have heard learned counsel for the parties.

The terms of settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court read as under:-

“(a) It is agreed between the parties that for a sum of Rs.50,000/- (Rupees Fifty Thousand only) payable by the first party to the second party as one time full and final settlement of the instant dispute, the dispute would be finally resolved between the parties for all times to come.

(b) That in terms of this compromise/settlement, the first party has brought a Demand Draft No.323082 dated 27.11.2015 drawn on Punjab and Sindh Bank, G.T. Road, Dasuya, District Hoshiarpur for a sum of Rs.50,000/- in the name of second party i.e. Sukhwant Singh s/o Waryam Singh, which has been handed over to the second party by the first party himself today in the Mediation & Conciliation Centre in the presence of Ms. Amandeep Kaur, Advocate, Counsel for the first party/petitioner. A photocopy of this D.D. Countersigned by both the parties is annexed herewith.

(c) That as per the parties, no other Civil or Criminal litigation is pending between the parties presently. Both the parties further undertake not to file any such Civil or Criminal litigation against each other in future with regard to the disputed cheque.

(d) That by accepting this one time full and final settlement amount of Rs.50,000/-, the second party hereby withdraws from the prosecution and has no objection if the instant Revision i.e. CRR No.2143 of 2006 is allowed by compounding the offence and the first party is acquitted.”

As per the reply filed by way of affidavit of Ajmer Singh, PPS, Superintendent, District Jail, Hoshiarpur, the petitioner-accused has remained in custody after his conviction w.e.f. 21.9.2006 to 13.11.2006 i.e. for a period of one month and 23 days.

In view of the above position as well as considering the fact that the parties have compromised the matter and the petitioner has remained in custody for a period of one month and 23 days, the judgment of conviction dated 19.8.2003 passed by learned trial Court and affirmed by learned lower appellate Court is upheld. However, the order of sentence dated 19.8.2003 is modified to the extent that the sentence awarded to the petitioner is reduced to the period already undergone by him.

With the aforesaid modification in the order of sentence, the instant petition is dismissed.

December 09, 2015
Dinesh Bansal/Yag Dutt

(HARI PAL VERMA)
JUDGE