

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

**CRR No.2376 of 2012 (O&M)
Date of Decision: September 02, 2015**

Bhupinder Singh Atwal

...Petitioner

Versus

Punjab and Sind Bank

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rohit Sood, Advocate
for the petitioner.

Mr. I.P. Singh, Advocate
for the respondent-Bank.

FATEH DEEP SINGH, J.

The present revisionist-Bhupinder Singh Atwal partner of M/s G.S. Atwal and Company who was tried in a case under Section 138 of Negotiable Instrument Act and was found guilty and convicted through judgment and order of sentence dated 29.1.2011 by learned Judicial Magistrate 1st Class, Yamunanagar and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹5000/- and whose appeal against these findings stood dismissed through judgment dated 27.7.2012 passed by learned Additional Sessions Judge, Yamunanagar had come up in this revision.

The brief facts are that the petitioner in acknowledgement of the outstanding debt that he owes towards the complainant-Punjab and Sind Bank for payment of ₹1,46,76,338/-

has issued two cheques for ₹45 lacs dated 30.11.2003 and another for ₹50 lacs dated 30.12.2003 in consequence of compromise arrived between the parties before the Debts Recovery Tribunal in consequence of its order dated 30.4.2003. The same were dishonoured leading to filing of the complaint and ultimate conviction of the revisionist.

Learned counsel for the revisionist had earlier on 26.8.2015 made a statement that since the revisionist-convict has paid the entire dues of the Bank which have been received by the Bank to its satisfaction and has prayed for compounding of the sentence and which statement has been duly accepted on behalf of the Bank by Mr. Kuldeep Singh, Senior Manager and its counsel Mr. I.P. Singh, who have submitted that they do not have any objection if the prayer of the revisionist is allowed.

Keeping in view the law laid down in **Gian Singh vs. State of Punjab and another 2012(4) RCR Criminal 543** and **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR Criminal 1052** and in view of the fact that being a pure dispute revolving around money recovery of the Bank and that this compromise will go a long way to sort out the differences and for the betterment of future working relations of both the sides, thus, exercising inherent powers under Section 482 Cr.P.C. and in view of the law laid down by Hon'ble Apex Court in **2004 Vol II 581 S.C. Anil Kumar Haritwal and another vs. Alka Gupta** which permits the compounding of the offence even after conviction, the present petition is allowed. However, having regard to the plight of the revisionist which has been highlighted by the counsel for the revisionist the offence is ordered to be

compounded. Conviction by way of imprisonment and fine passed by learned Judicial Magistrate 1st Class, Yamunanagar dated 29.1.2001 and dated 27.7.2012 by learned Additional Sessions Judge, Yamunanagar are set aside. The instant petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

September 02, 2015

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