

**417-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No. 2630 of 2012.

Decided on: 18.11.2015.

Rajiv Aggarwal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. J.K. Puri, Advocate,
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

Mr. KL Verma, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

This revision is filed against the judgment dated 27.8.2012, passed by the Sessions Judge, Jalandhar whereby the judgment of acquittal dated 21.9.2011, passed by the Judicial Magistrate Ist Class, Jalandhar was reversed and the accused was

convicted under Section 138 of Negotiable Instruments Act and

sentenced to undergo RI for one year and to pay fine of Rs.3000/- with default stipulation. This revision was admitted on 09.11.2012 and the petitioner was ordered to be released on bail.

During the pendency of present revision petition, the parties have reached at a compromise. The cheque amount has been paid to the complainant. In **Damodar S. Prabhu v. Sayed Babalal** **2010 (3) Recent Apex Judgments (R.A.J.) 180** the Hon'ble Supreme Court has framed guidelines for compounding of offence under Section 138 of the Negotiable Instruments Act, wherein it has been held that if the parties compound the offence in this Court, the accused has to pay fifteen percent as costs of compounding. In this case, composition of offence under Section 138 of the Act is allowed subject to payment of fifteen percent of the cheque amounts worth Rs. 4 lacs, which shall be deposition with the Member Secretary, Punjab State Legal Services Authority, Chandigarh, within four months from today. If the accused/ respondent Rajiv Aggarwal fails to do the same, this revision shall be deemed to be dismissed without further notice.

In view of the above and keeping in view the fact that the offence under Section 138 of Negotiable Instruments Act is compoundable as per the provisions of Section 147, the present revision petition is allowed and the accused is acquitted on the basis of composition. The bail bonds and surety bonds stand discharged.

A copy of this judgment be forwarded to the Member Secretary, Punjab State Legal Services Authority, Chandigarh, for necessary action.

18.11.2015.
SN

(JITENDRA CHAUHAN)
JUDGE