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Crl. Rev. No. 36 of 2013

M/S OM PARKASH AND COMPANY AND ANR V/S SATISH KUMAR

Present: Petitioner No.2-in person with
Mr. Gagandeep Singh, Advocate for
Mr. Amandeep Singh Manaise, Advocate

Respondent-in person

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In this case the petitioners were convicted and sentenced under Section 138 of the Negotiable Instruments Act and were convicted and sentenced R.I. for two years and to pay a fine of ₹10,000/-. The petitioners' appeal before the Sessions Judge, Gurdaspur also failed and the conviction and sentence was upheld. The petitioners filed the present petition during the pendency of the petition. The parties have compromised the matter. The petitioner agreed to pay ₹60,000/- (Rupees Sixty Thousand only) to respondent-Satish Kumar so that in case he agrees to the conviction and sentence being set aside. In this case the revision petition is allowed and the sentence is set aside.

Respondent-Satish Kumar has made a statement that he has received a sum of ₹60,000/- (Rupees Sixty Thousand only) from the petitioner and has no objection if the conviction and sentence is set aside and the revision petition is allowed.

Petitioner No.2-Swaran Singh has also made a statement to that effect.

In view of the law laid down by the Apex Court in **Damodar**

S. Prabhu Vs. Sayed Babalal H, 2010 (2) Civil Court Cases 593

(S.C.) and in view of the compromise arrived at between the parties, this revision petition is allowed and the conviction and sentence awarded by the Courts below to the petitioner are set aside.

Copy of the order be supplied/sent to the counsel/parties and file be returned to the High Court.

(R.S.MONGIA)
PRESIDENT

14.02.2015

Janki

(R.K.NEHRU)
MEMBER