

CRR No. 1494 of 2015(O&M) 1

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

CRR No. 1494 of 2015(O&M)

Date of decision : 10.07.2015

Harvinder Kumar @ Bobby

..... Petitioner

Versus

Ashok Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sachin Sharma, Advocate
 for the petitioner.

 Mr. Gaurav Sharma, Advocate
 for the respondent.

DARSHAN SINGH,J(Oral)

1. Learned counsel for the petitioner states that the parties have compromised the matter and the offence is compoundable. The present revision petition is being pressed only for the composition of offence and quantum of sentence.

2. So, the revision stands admitted.

3. The petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act. His conviction against the conviction was dismissed by the learned Additional Sessions Judge, Amritsar. Now, the present revision petition has been filed to assail the convictions of the petitioner recorded by the learned Courts

below.

4. From the miscellaneous application bearing No. CRM-20874 of 2015, it comes out that the petitioner has already surrendered before the learned trial Court on 06.07.2015 and is in custody.

5. Learned counsel for the petitioner pleads that the parties have compromised the matter. The petitioner has already paid a sum of Rs. 1,10,000/- vide bank draft dated 23.04.2015. He has further handed over the bank draft of Rs.15,000/- to learned counsel for the respondent-complainant. Petitioner has also got prepared the demand draft of Rs. 13500/- in favour of the Punjab State Legal Services Authority.

6. Learned counsel for the complainant has placed on file the affidavit of Ashok Kumar, proprietor of the firm. In the affidavit (Annexure P-3), it has been admitted that the matter has been resolved for payment of Rs. 1,25,000/-. He has received a bank draft of Rs. 1,10,000/- dated 23.04.2015 and will receive the remaining amount of Rs. 15,000/- at the time of making the statement in the Court. The compromise (Annexure P-2) signed by both the parties has also been placed on record.

7. Today, the further affidavit has been filed by the complainant reiterating the factum of compromise. Learned counsel for the complainant has received the bank draft of Rs. 15,000/- dated 29.04.2015. So, the entire amount as per the compromise has been paid by the petitioner to complainant. Petitioner has also got prepared the bank draft of Rs. 13,500/- in favour of the Punjab State Legal Service Authority for depositing as a cost of proceedings. It is not disputed that the offence punishable under Section 138 of Negotiable Instruments Act

for which the petitioner has been convicted is compoundable. The composition of offence can be even allowed at the stage of revision as per Section 320 (6) Cr.P.C.

8. Thus, in view of the affidavits of complainant placed on record, the matter between the parties stands compromised on payment of the entire cheque amount along with interest. So, the compounding of the offence is hereby allowed. As a result of composition of offence, the present petition is hereby allowed. The conviction of petitioner as recorded by the learned Courts below is hereby set aside due to the compounding of the offence and he stands acquitted.

9. Learned counsel for the petitioner is directed to deposit the bank draft of Rs. 13,500/- with the Punjab State Legal Service Authority within three days positively and to produce the receipt thereof. The petitioner be set at liberty, if not detained, in any other case.

10.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**