

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

Criminal Revision No.1743 of 2015

Date of Decision: September 02, 2015

Rajendra Varshney

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Paras Talwar, Advocate,
for the petitioner.

Mr.Kuldeep Tiwari, Addl.AG, Haryana.

Mr.Ajay Ghanghas, Advocate,
for respondent No.2.

1. Whether Reporters of Local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

Challenge in the present criminal revision petition is to the judgment dated 05.05.2015 passed by learned Sessions Judge, Faridabad, whereby the appeal filed by the petitioner, Rajendra Varshney, challenging his conviction and sentence for the offence punishable under Section 138 of the Negotiable Instruments Act, recorded by learned Judicial Magistrate Ist Class, Faridabad, was dismissed.

On 20.05.2015 when the case came up for hearing before this Court, notice of motion was issued with regard to quantum of sentence only. At that time, a bank draft for a sum of

₹21,00,000/- (Rupees twenty one lacs only) was handed over to respondent No.2/complainant by learned counsel for the petitioner.

Learned counsel for the petitioner submits that now ₹16,00,000/- (Rupees sixteen lacs only) more have been paid to respondent No.2/complainant by the petitioner-side on 18.08.2015. The controversy with regard to dishonour of the impugned cheque has been resolved by mutual conversation. He further submits that the petitioner has already undergone incarceration for 15 days, therefore, his substantive sentence may be reduced to the period already undergone by him. He further submits that the cheque amount has been paid, therefore the fine imposed be waived of. He also submits that since the disputed cheque was of ₹15,00,000/- (Rupees fifteen lacs only) only and after calculating the interest and the compensation awarded by learned trial Court, a sum of ₹37,00,000/- (Rupees thirty seven lacs only) has been paid to respondent No.2/complainant, therefore the order granting compensation to respondent No.2 may be set aside.

Learned counsel for the State submits that the main controversy is between the petitioner and respondent No.2, therefore, in view of the compromise effected between both the parties, he has no objection if the present petition is disposed of in view of the said compromise.

Learned counsel for respondent No.2/complainant

states at bar that he has instructions to submit that respondent No.2 has received ₹37,00,000/- (Rupees thirty seven lacs only) in total and effected a compromise with the petitioner. He further submits that he has no objection if the substantive sentence of the petitioner is reduced to the period already undergone and the order of compensation to be paid to respondent No.2/complainant by the petitioner is set aside.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that by mutual conversation, the controversy of paying of the amount by the petitioner to respondent No.2 has been resolved and they have effected a compromise.

In view of the above, the present criminal revision petition is disposed of with a direction that the petitioner be let off to the sentence which he has already undergone. The order for granting compensation to respondent No.2/ complainant by learned trial Court is set aside.

Disposed of accordingly.

September 02, 2015
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(Naresh Kumar Sanghi)
Judge

