

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 1954 of 2015 (O&M)
Date of Decision : 21.07.2015

Sukhchain Singh

.....Petitioner

Versus

Surjeet Kumar Gogna and another

...Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. Barjesh Kumar Sharma, Advocate
for the petitioner.

Mr. Mohd. Salim, Advocate
for respondent no. 1.

Mr. Gazi Mohd. DAG, Punjab.

R.P. Nagrath, J. (Oral)

The petitioner was convicted under Section 138 of the Negotiable Instrument Act and awarded the sentence to undergo rigorous imprisonment for one year and to pay fine of ₹ 5000/-, in default of payment of fine to further undergo rigorous imprisonment for one week. The sentence was upheld in appeal.

The conviction of petitioner has not been challenged on merits. It is mainly contended that the amount in question has been paid to respondent no. 1-complainant. This fact is also admitted by Mr. Mohd. Salim, Advocate, counsel for respondent no. 1-complainant. For this, there is also a separate application CRM No. 17881 of 2015 seeking compounding of the offence.

When the matter was listed on 27.05.2015, it was submitted for the petitioner that the matter was settled at ₹ 2,35,000/- and the amount stood paid to respondent no. 1-complainant. So, the sentence of imprisonment of the petitioner

was suspended subject to his depositing 15% of the cheque amount with the Punjab State Legal Services Authority.

Learned counsel for the petitioner submits that the petitioner has since been released on bail as he has deposited 15% of the cheque amount with the Punjab State Legal Services Authority in view of the principle laid down by Hon'ble Supreme Court in **Damodar S. Prabhu vs. Sayed Babalal H.**, 2010(5) **SCC 663**.

In view of the above, offence is allowed to be compounded. The petition is allowed and the petitioner stands acquitted of the charge under Section 138 of the Negotiable Instruments Act.

July 21, 2015
jk

(R.P. NAGRATH)
JUDGE