

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 2272 of 2015 (O&M)

Date of decision : 30.11.2015

Kulwant Ram @ Kulwant Singh

..... Petitioner

versus

Makhan Singh and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Harshit Jain, Advocate
for the petitioners

None for respondent No. 1

Mr. Deep Singh, AAG Punjab

ANITA CHAUDHRY, J. (ORAL)

Petitioner – Kulwant Ram @ Kulwant Singh was convicted under Section 138 of the Negotiable Instruments Act and was sentenced to undergo rigorous imprisonment for a period of 1 year and was also directed to pay fine of Rs. 5000/-. It is stated that the matter has been compromised between the parties and petitioner has paid a sum of Rs. 25,000/- in lieu of compromise.

The petitioner was granted interim bail vide order dated 25.08.2015.

Learned counsel for the petitioner states that as per ***Damodar S. Prabhu Vs. Sayed Babalal H, 2010(5) SCC 663***, an additional amount of 15% of the cheque amount as cost of Rs. 3750/- has been deposited on behalf of petitioner in the High Court. Photocopy of a receipt in this regard has also been placed on record by learned counsel for the petitioner.

Considering the above circumstances, the offence under Section 138 of the Negotiable Instruments Act is compounded.

Keeping in view the fact that the matter has been finally settled, the liability is discharged; the present petition is allowed; judgment of conviction and order of sentence dated 10.11.2014 passed in Complaint No. NACT/251/2013, by the JMIC, Dhuri; and judgment dated 15.05.2015, passed in Criminal Appeal No. 111 of 2014 by the Additional Sessions Judge (A.S.J. III), Sangrur confirming the conviction and sentence of the accused-petitioner, is set aside. The petitioner is acquitted of the charges.

November 30, 2015

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**(ANITA CHAUDHRY)
JUDGE**