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

CRR No.2558 of 2015 (O&M)

Date of decision: August 25, 2015

Pawan Kumar

.....Petitioner

Versus

Rajesh Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Tara Jaishia, Advocate
for the petitioner.

Mr. Mohan Sharma, Advocate
for the respondent.

SABINA, J

Petitioner had faced trial in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 ('Act' for short) at the instance of the respondent.

Trial Court vide order dated 22.12.2014 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Section 138 of the Act. The conviction and sentence of the petitioner, as ordered by the trial Court, was upheld by the Appellate Court vide order dated 10.07.2015. Hence, the present petition.

Learned counsel for the petitioner has submitted that now, during the pendency of the petition, parties have amicably settled their dispute. Petitioner has paid ₹2,60,000/- to the respondent towards full and final settlement of the claim. Learned counsel has further

submitted that she does not challenge the conviction of the petitioner under Section 138 of the Act, but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him.

Submissions made by learned counsel for the petitioner have not been controverted by the learned counsel for the respondent.

Accordingly, conviction of the petitioner under Section 138 of the Act is maintained. However, the sentence qua imprisonment of petitioner is reduced to the period already undergone by him. Petitioner who is in custody, be set at liberty forthwith, if not required in any other case.

Petition stands disposed of, accordingly.

**(SABINA)
JUDGE**

August 25, 2015
mahavir