

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

Crl. Rev. No.3321 of 2015
Date of Decision: 28.10.2015

Roshan LalPetitioner

Versus

Sunil Kumar and anotherRespondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Pankaj Middha, Advocate
for the petitioner.

Mr. Shekhar Mudgal, Advocate
for respondent No.1.

Mr. Vikas Malik, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

The present revision petition has been filed against the judgment dated 14.08.2015 passed by the Additional Sessions Judge, Fatehabad, whereby, the judgment of conviction and order of sentence passed by the Judicial Magistrate Ist Class, Tohana was upheld.

The petitioner was convicted for an offence punishable under Section 138 of the Negotiable Instruments Act and after loosing the case before the two Courts below, he has filed the present revision petition. However, during pendency of the revision petition, a compromise was arrived at between the parties as the amount of cheque, in dispute, has been paid to respondent No.1, which has duly been received by him.

Learned counsel for respondent No.1 submits that respondent

No.1 has no objection in compounding of the offence. The statements of the parties were recorded before the Judicial Magistrate Ist Class, Tohana. However, after recording the statements of the parties, a report has also been sent, which is on record, wherein, it has been stated that the compromise has been arrived at between the parties and no other case is pending between them. The complainant has stated in his statement that he has received the amount of cheque, in dispute from accused Roshan Lal and now nothing is due towards him. It has also been stated in the report that the compromise arrived at between the parties is genuine and is without any pressure from either side. The complainant has also stated that he has no objection, in case, accused-Roshan Lal is acquitted of the charge.

Since the dispute between the parties has been compromised and the complainant is satisfied as he has received the amount of cheque, in dispute and has no objection, in case, accused-Roshan Lal is acquitted of the charge; moreover, the offence under Section 138 of the Negotiable Instruments Act, is non-compoundable, the present petition is allowed and the offence punishable under Section 138 of the Negotiable Instruments Act is allowed to be compounded and the judgments of both the Courts below against the petitioner are set aside and the petitioner is acquitted of the charge framed against him under Section 138 of the Negotiable Instruments Act.

The petitioner is on bail in this case and his sentence has already been suspended vide order dated 15.09.2015. He stands discharged from his bail/surety bonds.

28.10.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE