

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3601 of 2015 (O&M)

.....

Date of decision:9.10.2015

Deep Tubewell Store

...Petitioner

v.

Sat Sahib Krishna Pipes and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Gagandeep Grewal, Advocate for the petitioner.

Ms. Meena Bansal, Advocate for respondent No.1.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for respondent No.2-State.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 7.9.2015 passed by the learned Additional Sessions Judge, Sangrur, whereby the appeal filed by the appellant/petitioner against the judgment of conviction and the order of sentence dated 12.5.2014 passed by learned Judicial Magistrate Ist Class, Malerkotla, whereby accused/revision petitioner has been convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.2,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month for the offence under Section 138 of the

Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act'), has been dismissed. Aggrieved against the impugned judgments passed by the Courts below, the present revision petition has been filed.

When this case was fixed for preliminary hearing, the petitioner placed on record the written compromise effected between the parties and filed an application for compounding of the offence. The respondent also appeared in person and an affidavit has also been filed by respondent-Amar Gupta on behalf of Sat Sahib Krishna Pipes, in which it is stated that the parties have effected a compromise. The learned counsel for the respondent also stated at the time of hearing that they have settled their dispute and the offence under Section 138 of the NI Act may be compounded and he has no objection if the accused is acquitted.

Keeping in view the statement of the learned counsel for the respondent as well as the affidavit of the respondent which has been placed on the record and in view of the lawful composition of the offence by the parties, the offence under Section 138 of the NI Act is compounded. The judgments passed by the Courts below convicting and sentencing the revision petitioner are set aside.

In view of the compounding of the offence, this criminal revision petition is allowed and the accused/petitioner is acquitted accordingly. He be released forthwith, if his custody is not required in any other case.

October 9, 2015.

(Inderjit Singh)
Judge

hsp