

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

Crl. Rev. No.3622 of 2015 (O&M)

Date of Decision: 28.10.2015

Hanuman Singh

....Petitioner

Versus

Shiv Kumar and another

....Respondents

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. Sumit Sangwan, Advocate
for the petitioner.

Mr. V.P. Sangwan, Advocate
for Mr. Ajay Bijarnia, Advocate
for respondent No.1-complainant.

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

DAYA CHAUDHARY, J. (ORAL)

The present revision petition has been filed to challenge the judgment of conviction and order of sentence dated 15/17.01.2011 passed by the Additional Chief Judicial Magistrate, Bhiwani and judgment dated 11.08.2012 passed by the Additional Sessions Judge, Bhiwani, whereby, the conviction and sentence for offence punishable under Section 138 of the Negotiable Instruments Act has been upheld.

There is delay of 1049 days in filing of the revision petition. Notice in the application for condonation of delay was issued on 28.09.2015.

Having no objection from the either side, the delay of 1049 days in filing of the revision petition is condoned.

Learned counsel for the parties submit that in another **CRR No.3623 of 2015**, the petitioner has been acquitted of the charge as a compromise was arrived at between the parties and the said revision petition has been allowed.

The order dated **16.10.2015** passed in **CRR No.3623 of 2015** has been brought to the notice of this Court, whereby, the revision petition between the same parties has been allowed and the petitioner has been acquitted of the charge as per the compromise (Annexure P-3) arrived at between them. The factum of compromise in aforesaid revision petition has also been affirmed by learned counsel appearing on behalf of respondent No.1.

Learned counsel for respondent No.1 submits that the respondent No.1-complainant has no objection, if the offence punishable under Section 138 of the Negotiable Instruments Act is allowed to be compounded as the same is compoundable.

Having no objection from respondent No.1 and also the fact that the compromise has been arrived at between the parties and **CRR No.3623 of 2015** between the same parties has also been allowed on the basis of compromise arrived, the present petition is also allowed and the impugned judgments passed by both the Courts below are set aside.

Petitioner-Hanuman Singh is acquitted of the charge framed against him. Since, the petitioner is in custody, therefore, he be released forthwith, if not required in any other case.

28.10.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE