

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

CRR-3711-2015 (O&M)

Date of Decision: November 02, 2015

Darshan Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr.Sanjay Jain, Advocate
for the petitioner.

Mr.Sanjay Kumar Saini, AAG, Haryana.

Mr.Jaswinder Singh, Branch Manager,
the Ambala Distt.Primary Co-operative Agricultural &
Rural Development Bank Ltd., in person.

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NARESH KUMAR SANGHI, J.(ORAL)

Challenge in the present criminal revision petition is to the judgment, dated 15.09.2015, passed by learned Sessions Judge, Ambala, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 138 of the Negotiable Instruments Act

1881 (for brevity, 'the 1881 Act'), recorded by learned Judicial Magistrate Ist Class, Ambala, was dismissed.

Learned counsel for the petitioner submits that during the pendency of the appeal before the Court of Session, the parties to the complaint had decided to sort out their dispute provided the petitioner could make the payment, but due to variety of reasons the amount could not be arranged and, as such, the compromise could not be materialized and the appeal filed by the petitioner was dismissed and, as such, he is before this Court. He further submits that now the cheque amount along with interest by way of a cheque bearing No.001702, dated 24.09.2015, amounting to ₹1,73,000/- (Rupees one lac and seventy-three thousand only) drawn on Bank of India, New Grain Market Branch, Shop No.18, New Grain Market, Ambala City, Ambala, and ₹2,500/- (Rupees two thousand and five hundred only) in cash has been handed over to Mr.Jaswinder Singh, Branch Manager, the Haryana State Co-Op.Agri. & Rural Development Bank Ltd., submits that he has the instructions to accept the said amount on behalf of respondent No.2 and further states at bar that respondent No.2 has no objection if the present petition is accepted and the petitioner is acquitted of the charge levelled against him. In token of his identity he has produced the self

attested photostat copy of his identity card, which is taken on record.

Learned counsel for the State also submits that the present criminal litigation has arisen out of a complaint under Section 138 of the 1881 Act and, as such, he has no objection if the present criminal revision petition is accepted and the petitioner -accused is acquitted of the charge levelled against him on the basis of compromise.

Respondent No.2 being represented by Mr.Jaswinder Singh, who is present in person, and has accepted the cheque amounting to ₹1,73,000/- (Rupees one lac and seventy-three thousand only) and an amount of ₹2,500/- (Rupees two thousand and five hundred only) in cash from the counsel for the petitioner.

As per Section 147 of the 1881 Act, the offence punishable under Section 138 of the 1881 Act is compoundable and the parties with their consent can compound the offence even at the stage of revision before this Court and hence, this Court permits the parties to the *lis* to compound the offence.

In view of the totality of the facts and circumstances of the case, the present petition is accepted. Petitioner-Darshan Singh son of Charan Singh, resident of village Manakpur, Tehsil Kakru, District Ambala, is acquitted of the charge levelled against

him. The petitioner, if in custody, be set at liberty at once if not required in any other case.

November 02, 2015
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(NARESH KUMAR SANGHI)
JUDGE