

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

Crl.R.No.3775 of 2015

Date of Order: 18.12.2015

Bhagwan Singh

....Petitioner

Versus

Onkar Singh and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. Swapan Shorey, Advocate for respondent No.1.

Mr. Ashish Sanghi, DAG, Punjab for respondent No.2.

1. **Whether Reporters of Local Newspapers 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 ?**

AJAY TEWARI, J (ORAL)

Petitioner has directed this revision petition against the judgment dated 04.08.2015 passed by the learned Additional Sessions Judge, Amritsar whereby the appeal filed by him against the judgment and order of sentence dated 09.04.2013 passed by the Judicial Magistrate, Ist Class, Amritsar, convicting him for an offence under Section 138 of the Negotiable Instruments Act and sentencing him to undergo RI for two years, has been dismissed.

On the last date of hearing i.e 07.10.2015, the parties were directed to get their statements recorded before the Chief Judicial Magistrate/Duty Magistrate, Amritsar with regard to compromise. In compliance of the same, a report dated 17.12.2015 has been received from

the Chief Judicial Magistrate, Amritsar whereby the complainant has received the entire payment due to the petitioner and a compromise has been arrived at between both the parties without any coercion or pressure.

Learned counsel for the complainant states that in these circumstances, he has no objection if the petition is allowed and the complaint and the impugned judgments are quashed.

The Hon'ble Supreme Court in **Damodar S. Prabhu Vs. Sayed Babalal H**, Criminal Appeal No.963 of 2010 decided on offence under Section 138 of the Negotiable Instruments Act has held that the compounding before Sessions Court or High Court would be allowed only on the condition if the accused deposits 15% of the cheque amount by way of costs.

In view of the above judicial pronouncement, the parties are allowed to compound the offence but on the condition that the petitioner will deposit 15% of the cheque amount as costs before the trial Court within a period of one month from the date of receipt of a certified copy of this order. Till the time the petitioner makes the deposit of 15% of the cheque amount, the proceedings shall be kept in abeyance.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

December 18, 2015
manoj

(AJAY TEWARI)
JUDGE