

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 4208 of 2015 (O&M)
Date of decision: 2.11.2015

Harnek Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Respondent No. 2 in person along with
Mr. A.S.Khinda, Advocate

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 138 of Negotiable Instruments Act, 1881 ('Act' for short) in a complaint filed by respondent No. 2. Trial Court vide judgment/order dated 2.6.2014 ordered the conviction and sentence of the petitioner under Section 138 of the Act. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 12.8.2015. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has not challenged the conviction of the petitioner under Section 138 of the Act but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him as the parties have amicably settled their dispute.

Respondent No. 2 is present in person and has admitted the factum of compromise between the parties. He has further stated that he has received full and final payment of his claim from the petitioner and has no objection if the sentence qua imprisonment of the petitioner is reduced to the period already undergone by him. He has tendered on record his affidavit in this regard.

Accordingly, conviction of the petitioner under Section 138 of the Act is maintained. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him. Petitioner, who is in custody, be set at liberty forthwith, if not required in any other case.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

November 02, 2015

Gurpreet