

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : November 26, 2015

1. CRR No. 4452 of 2015 (O&M)
2. CRR No.4491 of 2015 (O&M)

RK Enterprises vs SK Kundra and another

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. RK Sachdeva, Advocate
for the complainant/respondent No.1.

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)

This order shall dispose of CRR Nos.4452 and 4491 of 2015.

These revision petitions have been filed challenging the conviction of the petitioner under Section 138 of the Negotiable Instrument Act in two separate complaints filed by the complainant/respondent No.1.

Counsel for the petitioner has argued that the matter has been settled between the parties since the petitioner has made the entire payment to the complainant, and in view of the guidelines framed by the Hon'ble Supreme Court in Damodar S. Prabhu v. Sayed Babalal.H., (2010)5 Supreme Court Cases 663, the petitioner be permitted for compounding of the offence, and he would deposit 15% of the cheque amount/s with the

Haryana State Legal Service Authority.

Counsel for the respondent states that in view of the compromise, he would have no objection if the offence is compounded but states that in case of failure to deposit the aforesaid amount/s within the stipulated period, some condition be imposed.

In these circumstances, it is directed that if the petitioner deposits 15% of the cheque amount/s within a period of one month, he be permitted to compound the offence, and in case he fails to deposit the amount/s within the stipulated period, this order would be rendered inoperative and the conviction would be maintained and the petitioner would be liable to suffer the imprisonment imposed upon him.

These petitions stand disposed of.

November 26, 2015
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(AJAY TEWARI)
JUDGE