

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 4499 of 2015 (O&M)
Date of decision: 26.11.2015

Ramesh Kumar Khattar

.....Petitioner

Versus

Dr. Raj Kumari Kundra and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

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. 1. Trial Court vide judgment/order dated 1.11.2014/3.11.2014 ordered the conviction and sentence of the petitioner under Section 138 of the Act. Conviction and sentence of the petitioner, as ordered by the Trial Court, were upheld by the Appellate Court vide order dated 9.11.2015. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that parties have now amicably settled their dispute. The amount in question has been paid to the complainant. Learned counsel for the petitioner has placed reliance on receipt (Annexure P-1). Learned counsel for the petitioner has further submitted that he does not challenge 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.

Notice of motion.

At this stage, Mr. Ashwani Gaur, Advocate has accepted notice on behalf of respondent No. 1 and has admitted the factum of compromise between the parties and the genuineness of receipt (Annexure P-1). Learned counsel has submitted that respondent No. 1 has no objection if the sentence qua imprisonment of the petitioner is reduced to the period already undergone by him.

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. Since the complainant-respondent No. 1 has received full and final payment in this case, petitioner would not be required to pay the compensation (cheque amount) to respondent No. 1 as ordered by the Courts below.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

November 26, 2015

Gurpreet