

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

CRR-1332-2009 (O&M)

Date of decision: December 21, 2016.

Viujay Parkash

... **Petitioner**

v.

State of Haryana and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri P.K. Ganga, Advocate for the petitioner.

Shri Chetan Sharma, Assistant Advocate General, Haryana.

Shri R.S. Budhwar, Advocate for respondent No.2-complainant.

A.B. Chaudhari, J. (Oral):

Taken up for final disposal in view of the limited controversy.

The revisionist-petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act in respect of cheque worth Rs.1,00,000/- which had bounced. The learned trial judge awarded sentence of simple imprisonment for one year and Rs.5,000/-. The lower appellate court dismissed the appeal filed by the petitioner. Hence, this petition in this Court.

Learned Counsel for the petitioner and for the complainant jointly stated that the amount of Rs.1,00,000/- stands paid to the complainant during pendency of the present revision petition.

Having regard to the above facts, there is no point in detaining the petitioner in jail. Hence, I make the following order:-

ORDER

- (i) CRR No.1332 of 2009 is disposed of on the statements made by the learned counsel for the petitioner as well as complainant.
- (ii) The impugned judgment of conviction dated 13.11.2007 and order of sentence dated 14.11.2007 passed by the trial court and judgment dated 14.5.2009 passed by the lower appellate court dismissing the appeal filed by the petitioner, are quashed and set aside in view of the making of payment of Rs.1,00,000/- and the additional costs of Rs.5,000/-.
- (iii) The petitioner be set at liberty forthwith, if not required in any other case.

[A.B. Chaudhari]
Judge

December 21, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No