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CRR-2488-2009

JOGINDER SINGH V/S PAL SINGH AND ORS.

Present: Petitioner-in-person.

Respondent-in-person.

The present criminal revision is filed by Joginder Singh against the dismissal of his appeal by Additional Sessions Judge, Ferozepur dated 25.08.2009, upholding the conviction and sentence awarded by learned Magistrate dated 09.06.2008.

The facts are that the petitioner-Joginder Singh had issued a cheque bearing No.520066 amounting to Rs.1,86,932 dated 01.11.2004 in favour of complainant-Pal Singh. The said cheque was dishonoured with the remarks "refer to drawer". A complaint under Section 138/142 of the Negotiable Instruments Act was filed.

The petitioner was convicted under Section 138 of the Negotiable Instruments Act and awarded a sentence to undergo simple imprisonment for a period of one year under Section 138 of the Negotiable Instruments Act and further order to pay a fine of Rs. 5,000/- and in default of payment of fine he shall further undergo simple imprisonment for 1 month vide judgment dated 09.06.2008 passed by JMIC Ferozepur. The petitioner filed an appeal, the same was dismissed on 25.08.2009 by Additional Sessions Judge, Ferozepur. Hence this revision.

The matter was settled between the petitioner and the respondent-complainant-Pal Singh for a total sum of Rs. One Lakh in full and final settlement of the case, payable in 2 instalments of Rs. 50,000/- each to be paid on or before 03.11.2016 and 05.12.2016. On payment of the aforesaid amount as above the respondent Pal Singh would withdraw the complaint under Section 138 of the Negotiable Instruments Act.

Today the petitioner was to pay the first instalment of Rs. 50,000/-.

However the petitioner has made entire payment of the settled amount of Rs. One Lakh today itself in full and final settlement, which has been accepted by the respondent-complainant-Pal Singh. He has stated that he has received the amount from the petitioner and now there is no claim against the petitioner. Therefore, his complaint under Section 138 of the Negotiable Instruments Act be dismissed as withdrawn and appropriate order be passed today.

NARESH
16/11/2016
I attest to the accuracy and
integrity of this document

We have noticed, that the matter has been settled between the parties. The respondent-complainant on having received the entire settled amount of Rs. One Lakh has stated that his complaint be dismissed as withdrawn and appropriate order be passed today.

In this background, keeping in view the spirit of Section 147 of the Negotiable Instruments Act, 1881, we allow the parties to compound the offence. The natural corollary is that convictions and sentences, awarded to the petitioner-Joginder Singh is set aside and he stands acquitted of the charges against him.

The revision petition is disposed of accordingly in the aforesaid terms.

Copy of the order and statement be given to the learned counsel/parties.

(R.S. MONGIA)
PRESIDENT

(ARVIND KUMAR)
MEMBER

November 03, 2016
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