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CRR No. 1382 of 2012

SANJIVE KUMAR V/S DEVENDER KUMAR & ANOTHER

Present: Petitioner-in person with
Mr. Munish Kumar Garg, Advocate

Respondent-in person

Mr. Narendar Parmar, AAG Haryana

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The petitioner was convicted under section 138 of the Negotiable Instruments Act by the Trial Court vide judgment dated 12.12.2011 and sentenced to undergo imprisonment for three months and to pay a fine of ₹ 1000/- and in default of fine to further undergo imprisonment for 15 days and also to pay a compensation of ₹ 25,000/- to the complainant vide order dated 14.12.2011. The appeal filed by the petitioner was dismissed by the Sessions Judge, Jind vide its judgment dated 1.5.2012. Hence the present revision by the petitioner.

During the pendency of the revision petition parties arrived at a settlement. Petitioner showed willingness to deposit ₹ 50,000/- to show his bonafide. The said amount was deposited by virtue of the orders dated 10.5.2012. Later on it was apprised on the basis of the settlement that the petitioner has already paid the amount to the complainant out of the Court and as such, the amount of ₹ 50,000/- so deposited by the petitioner in the High Court be refunded to him. An application for compounding of the offenses under Section 138 of the Negotiable Instruments Act was also filed on the basis of the compromise/affidavit of complainant-Devender Kumar so placed on the record. Devender Kumar-Complainant in the said affidavit

₹ 55,000/- as full and final settlement between them. He has no grouse against the petitioner and has no objection if the petitioner stands acquitted.

Petitioner-Sanjive Kumar and respondent-Devender Kumar have endorsed the said settlement in their respective statements recorded today. The complainant has also stated that ₹ 50,000/- which was deposited in the Hon'ble High Court has been refunded to him. He has also endorsed that he has received ₹ 55,000/- from the petitioner by way of settlement and in view of the same let the complaint filed by him before the Sub-Divisional Judicial Magistrate, Safidon under section 138 of the Negotiable Instruments Act be dismissed as withdrawn.

We have noticed the facts/settlement referred to above.

The matter has been compromised between the parties and complainant seeks that his complaint be dismissed as withdrawn. 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, so recorded by the Trial Court and upheld by the Appellate Court to petitioner 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 statements be given to learned counsel/parties.

(R.S.Mongia)
President

(Arvind Kumar)
Member

19.09.2016