

**RAM NIWAS VS. THE COMMERCIAL BANK EMPLOYEES
URBAN (SE) T & C SOCIETY LTD.**

Present: Mr. Virender Singh Punia, Advocate
 for the petitioner.

 Mr. Sandeep K.Sharma, Advocate
 for the respondent.

The facts are that the present petitioner-Ram Niwas has issued a cheque No. 473573 dated 08.06.2004 for Rs. 55,994/- in favour of the complainant i.e. Commercial Bank Employees Urban (SE) T & C Society Limited through its manager Rajesh Kumar. The said cheque was dishonoured by the Bank.

The said society filed a complaint under Section 138 of the Negotiable Instrument Act read with Section 420 IPC. He was acquitted by JMIC, Ist Class Rohtak vide judgment dated 06.09.2010.

The complainant filed a criminal appeal. The learned Sessions Judge, Rohtak vide judgment dated 17.10.2012 set aside the judgment and held him guilty under Section 138 of the Negotiable Instrument Act and awarded a sentence to undergo R.I for a period of six months under Section 138 of the Negotiable Instrument Act and also a fine of the cheque amount which was awarded as a compensation to the complainant to be paid within a period of two months. However in case of default of payment of fine, he shall further undergo R.I for three months. The order of sentence was announced on 20.10.2012.

Hence the present criminal revision was filed by Ram Niwas-petitioner.

The matter was settled between the petitioner and the complainant for a total sum of Rs. 56,000/- to be paid to the respondent-complainant in full and final settlement of the case in three installments of Rs. 19,000/- each to be paid on 06.10.2016, 07.11.2016 and 07.12.2016. The complainant had also accepted the said proposal of settlement.

Today the petitioner has paid the entire payment of settled amount of Rs. 56,000/- which has been accepted by the counsel for the respondent-complainant. While endorsing the settlement he has stated that since the entire amount of Rs. 56,000/- has been paid they do not want to pursue the present complaint and the same may be dismissed as withdrawn and the appropriate order be passed and they will not have any claim from the petitioner so far as this case is concerned.

We have noticed that the matter has been settled between the parties. The respondent-complainant on having received Rs. 56,000/- states that the complaint be dismissed as withdrawn.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, awarded to the petitioner-Ram Niwas 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 learned
counsel/parties.

(R.S.Mongia)
President

(Arvind Kumar)
Member

06.10.2016
Rajeev