

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-1628-2015 (O&M)

Date of Decision: January 6, 2016

Sushil Kumar

.....Petitioner

Versus

M/s TR Enterprises and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether Reporters of local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr.Rakesh Gupta, Advocate for
Mr.Ishaan Pasricha, Advocate
for the petitioner.

Mr.Gurmeet Singh, Advocate
for respondent No.1.

Mr.R.S.Randhawa, Addl.A.G., Punjab.

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NARESH KUMAR SANGHI, J.(ORAL)

Challenge in the criminal revision petition is to the judgment, dated 21.02.2015, passed by learned Additional Sessions Judge, (Adhoc), Fast Track Court, Hoshiarpur, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 138 of the

Negotiable Instruments Act, 1881 (hereinafter to be referred as the 'N.I.Act') recorded by learned Judicial Magistrate First Class, Hoshiarpur, was dismissed.

Today, only CRM-14749-2015, an application for suspension of sentence of the petitioner, is fixed. Learned counsel for the petitioner, learned counsel for the State and learned counsel representing respondent No.1 are in unison that criminal revision petition itself can be disposed of in view of the fact that compromise has been effected between the petitioner and respondent No.1. In view thereof, CRR-1628-2015 is taken on today's Board.

Statement of Tilak Raj, proprietor of respondent No.1, on oath, has been recorded separately today by this Court in which he fairly conceded that a compromise had been effected with the petitioner and he had no objection if the judgments passed by both the Courts below were set aside and the petitioner was acquitted of the charge levelled against him.

Learned counsel for the State as well as learned counsel representing respondent No.1 has also admitted the factum of compromise and has no objection if both the judgments passed by learned Courts below are set aside and the petitioner

is acquitted of the charge levelled against him in view of the provisions contained in Section 147 of the N.I.Act.

After hearing the learned counsel for the parties, going through the material available on record and the provisions contained in Section 147 of the N.I.Act, the parties are permitted to compound the offence. Since the offence punishable under Section 138 of the N.I.Act is compoundable and while exercising the revisional jurisdiction, this Court has permitted the parties to compound the offence which has been compounded, therefore, necessary consequence of the compromise would be to set aside the judgments of conviction and sentence and acquit the accused.

Therefore, the judgments passed by both the Courts below are set aside. Petitioner is acquitted of the offence punishable under Section 138 of the N.I.Act.

Since the petitioner is in custody, therefore, he be set at liberty at once, if not required in any other case.

January 6, 2016
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(NARESH KUMAR SANGHI)
JUDGE