

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

CRR No.1029 of 2016 (O&M)

Date of decision: April 4, 2016

Naresh Kumar Jain

...Petitioner

Versus

Nathu Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vinay Pandey, Advocate for the petitioner.

Mr. Ravindra Singh, Advocate for the respondent.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Naresh Kumar Jain against Nathu Ram, challenging the impugned judgment of conviction and order of sentence dated 23.04.2015 passed by learned Judicial Magistrate Ist Class, Malout, vide which the petitioner was convicted under Section 138 of Negotiable Instruments Act and he was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.2,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month and also challenging the judgment dated 05.03.2016 passed by learned Addl. Sessions Judge, Sri Muktsar Sahib, vide which appeal filed by petitioner was dismissed.

Notice of motion in this case was issued. Mr. Ravindra Singh, Advocate has appeared on behalf of the respondent.

Learned counsel for the petitioner states that matter has already been compromised between the parties and as per terms of the compromise, the petitioner has already paid the amount of cheque in question to the respondent.

On the other hand, learned counsel for the respondent states that the respondent has received the cheque amount as full and final settlement and he has no objection if the offence in this petition is compounded.

Learned counsel for the petitioner submits that he has already deposited 15% of the cheque amount with Punjab Legal Services Authority, Chandigarh. He also produced on record receipt of the same.

Heard.

In view of the compromise effected between the parties and in view of the fact that offence punishable under Section 138 of Negotiable Instruments Act, is compoundable, therefore, the judgment of conviction and order of sentence dated 23.04.2015 passed by learned JMIC, Malout and judgment dated 05.03.2016 passed by learned First Appellate Court, Sri Muktsar Sahib are set aside in view of the lawful composition of the offence.

Petitioner/accused Naresh Kumar Jain is acquitted accordingly and he be set at liberty forthwith, if his custody is not required in connection with any other case.

April 4, 2016

rajesh.k.khurana

(INDERJIT SINGH)

JUDGE