

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 1056 of 2016 (O&M)
DECIDED ON: MAY 09, 2016

USHA RANI

... PETITIONER

VERSUS

PARVINDER KUMAR

... RESPONDENT

CORAM:HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vishva Nath Sharma, Advocate
for the petitioner.

Mr. Sandeep Singh, Advocate
for the respondent.

JASPAL SINGH.J (ORAL)

CRM No. 14899 of 2016

Instant application has been filed under Section 482 Cr.P.C. for placing on record the receipt (Annexure P-7) vide which he has deposited 15% of the cheque amount with Punjab State Legal Services Authority in view of judgment of Hon'ble Apex Court delivered in the case of ***Damodar S. Prabhu v. Sayed Babalal; (2010) 5 (SCC) 663.***

In view of the averments made in the application, the same is allowed.

Annexure P-7 is taken on record, subject to all just exceptions.

CRR No. 1056 of 2016

Challenge in this revision petition is to the judgment/order dated February 26, 2016 passed by learned Additional Sessions Judge, Amritsar

whereby judgment of conviction and order of sentence dated July 30, 2015 passed by learned Judicial Magistrate Ist Class, Amritsar was upheld vide which petitioner has been convicted under Section 138 of Negotiable Instruments Act (for short “Act”) and sentenced to undergo RI for a period of one year.

2. Briefly stated, facts giving rise to the instant *lis* are that petitioner issued a post dated cheque bearing No. 414153 dated December 18, 2009 amounting to ₹90,000/- drawn on Punjab National Bank, Branch Partap Steel, Chheharta, Amritsar in favour of complainant/respondent, in order to discharge his legally enforceable liability. The said cheque on its presentation before bank for encashment was dishonoured and returned back with remarks “insufficient funds” vide memo dated December 19, 2009. Thereafter, a legal notice dated December 22, 2009 was also issued to the petitioner by the complainant/respondent but it did not fetch any reply. Ultimately, complainant approached the court by way of filing of complaint under Section 138 of the Act.

3. After hearing learned counsel for the parties and perusing the record, learned trial Court convicted and sentenced the accused-petitioner under Section 138 of the Act as fully reflected in para 1 of this judgment.

4. Aggrieved against judgment of conviction and order of sentence dated July 30, 2015 passed by JMIC, Amritsar, petitioner preferred an appeal before learned Additional Sessions Judge, Amritsar, which was also dismissed on February 26, 2016. Hence, the present petition.

5. During the pendency of instant revision petition, parties arrived at an amicable settlement. According to which complainant/respondent

has received the full and final payment from the petitioner and nothing remains due against the petitioner. This fact has been categorically admitted by learned counsel for the respondent.

6. In view of the fact that a compromise has arrived at between the parties and the matter has been settled finally with the intervention of respectables, the necessary permission stands accorded to compound the offence. Moreover, 15% of the cheque amount has already been deposited by the petitioner, as per observations laid down by Hon'ble Supreme Court in case **Damodar S. Prabhu v. Sayed Babalal H;** 2010 (5) SCC 663, with the District Legal Services Authority, Amritsar.

7. Since there remains no dispute between the parties after amicable settlement, instant petition is dismissed but with modification in the quantum of sentence which stands reduced to the period already undergone with no change in the fine clause.

MAY 09, 2016
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(JASPAL SINGH)
JUDGE