

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

CRR No.1425 of 2016 (O&M)

Date of decision: April 8, 2016

Nitin Chadha

...Petitioner

Versus

M/s Swastik Vegetable Products Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gursimar Singh Alagh, Advocate,
for the petitioner.

Mr. Paramdeep Singh, Advocate
for the respondent.

INDERJIT SINGH, J.

File again taken up.

The present revision has been filed by the petitioner Nitin Chadha against the respondent, challenging the impugned judgment of conviction and order of sentence dated 14.07.2015 passed by learned Judicial Magistrate Ist Class, Ludhiana, 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 and a half year and to pay fine of Rs.5,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of one month and also challenging the judgment dated 04.04.2016 passed by learned Addl. Sessions Judge, Ludhiana, vide which appeal filed by petitioner was dismissed.

Notice of motion in this case was issued. Mr. Paramdeep 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 High Court Legal Services Committee. 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 14.07.2015 passed by learned JMFC, Ludhiana and judgment dated 04.04.2016 passed by learned First Appellate Court, Ludhiana are set aside in view of the lawful composition of the offence.

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

Disposed of accordingly.

April 8, 2016
rajesh.k.khurana

(INDERJIT SINGH)
JUDGE