

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

**Criminal Revision No.3037 of 2014 (O & M)
Date of Decision:-25.01.2016**

Piara Lal

...Petitioner

Versus

Gurdeep Bedi

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Navdeep Monga, Advocate
for the respondent.

HARI PAL VERMA J.(Oral)

On request of learned counsel for the parties, the main petition has been taken up on Board for hearing today itself.

Petitioner, namely, Piara Lal, aged 77 years, son of late Shri Munshi Ram, resident of House No.27-C, Green View Colony, Rajbaha Road, Patiala has filed the present revision petition against the order dated 09.09.2014 passed by learned Addl. Sessions Judge, Patiala, whereby, his appeal against the judgment of conviction and order of sentence dated 11.2.2014 passed by learned Judicial Magistrate 1st Class, Patiala, was dismissed.

The respondent-complainant filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (*for brevity "the Act"*) alleging therein that the petitioner Piara Lal was a tenant on his (complainant's) shop No.20, situated at Ram Bagh, Near Leela Bhawan, Patiala w.e.f. 1.3.2007 and document/rent note in this regard was also executed on 1.3.2007. The allegation against the petitioner is that he did not pay the rent, which was fixed @ Rs.9000/- per month w.e.f. 1.3.2009 to 28.2.2010. In order to discharge his liability, the petitioner-accused issued a cheque bearing No.063009 dated 5.3.2010 for an amount of Rs.1,08,000/- drawn on Corporation Bank, Leela Bhawan Branch, Patiala in favour of the complainant but when the complainant deposited the said cheques for collection, same were dishonored with the remarks "*Funds Insufficient*".

The learned Magistrate, after hearing both the sides and appreciating the evidence, held the accused-petitioner guilty of the offence punishable under section 138 of the Act vide judgment of conviction dated 11.2.2014 and sentenced him to undergo rigorous imprisonment for six months and to pay the compensation equivalent to half the cheque amount to the complainant.

Aggrieved against the said judgment of conviction and order of sentence, petitioner-accused filed an appeal before the learned Additional Sessions Judge, Patiala, however said appeal was dismissed vide judgment dated 09.09.2014. It is in the aforesaid circumstances, the petitioner-accused filed the instant revision.

Learned counsel for the petitioner submits that during the pendency of the instant revision, a settlement has been arrived at

between the petitioner and the respondent and as per the said settlement, petitioner-accused has paid the entire amount to the respondent vide Draft No.111596473 dated 1.11.2014 for an amount of Rs.1,08,000/-. Learned counsel further submits that since he has cleared all the outstanding amount to the respondent-complainant, he be acquitted of the charges framed against him.

Learned counsel appearing for the respondent-complainant admits the factum of settlement arrived at between the petitioner-accused and the respondent-complainant during the pendency of instant revision petition and submits that the entire outstanding amount stands repaid by the petitioner-accused as per the settlement. He also submits that he has no objection in case the present revision petition is disposed of or the petitioner is acquitted of charges framed against him.

Though the matter has been compromised between the parties but petitioner-accused has put the entire State machinery in motion and as per the ratio of law laid down by Hon'ble Apex Court in **Damodar S. Prabhu Vs. Sayed Babalal H., 2010 (2) RCR (Crl.) 851**, he is required to pay 15% of the cheque amount to the State exchequer.

Learned counsel for the petitioner-accused submits that in compliance of order dated 17.11.2014 passed by this Court, he has deposited the compounding fee Rs.16,200/- vide receipt No.921008 dated 20.1.2016 with the Punjab Legal Services Authority, Chandigarh. He produced receipt dated 20.1.2010 issued by the Member Secretary, Punjab State Legal Services Authority, Chandigarh, which is taken on record.

Accordingly, keeping in view the fact that the matter has been

finally settled and the liability is discharged; the present revision petition is allowed; Judgment of conviction and order of sentence dated 11.2.2014 passed by learned Judicial Magistrate 1st Class, Patiala in Criminal Complaint No.813 of 2010 as well as judgment dated 09.9.2014 in Criminal Appeal No.46 of 2014 passed by learned Addl. Sessions Judge, Patiala, affirming the conviction of petitioner-accused, are set aside and the petitioner is acquitted of the charges framed against him.

The bail bond furnished by the petitioner shall stand discharged.

January 25, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE