

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

**CRR No.2069 of 2016 (O/M)
Date of decision : May 31, 2016**

Avtar Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Tajinder Pal Singh Makkar, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

-:-

-:-

KULDIP SINGH J. (ORAL)

Learned counsel for the petitioner contends that the petitioner was convicted and sentenced by both the courts below. Now, the matter has been compromised between the parties. An application for compounding the offence has also been filed.

Notice of motion.

Mr. Sandeep Kumar Bansal, AAG, Punjab accepts notice on behalf of the State and Mr. Varinder Pal Singh Makkar, Advocate has put in appearance on behalf of respondent No.2-complainant.

Learned counsel for respondent No.2-complainant has affirmed the compromise.

It comes out that the petitioner was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹1,000/-, in default thereof to further undergo rigorous imprisonment for one month, vide judgment of conviction and

order of sentence dated 10.12.2015 by the learned Sub Divisional Judicial Magistrate, Malout. The appeal filed against the said judgment of conviction and order of sentence was dismissed by the learned Addl. Sessions Judge, Sri Muktsar Sahib, vide judgment dated 13.05.2016.

Since the parties have amicably settled their dispute, therefore, permission is granted to compound the offence.

Learned counsel for respondent No.2-complainant states that he has received ₹55,000/-, in lieu of the cheque amount.

Since the offence has been lawfully compounded, therefore, judgment of conviction and order of sentence passed by learned Sub Divisional Judicial Magistrate, Malout as well as the judgment passed by learned Addl. Sessions Judge, Sri Muktsar Sahib are set aside and the petitioner stands acquitted of the notice served upon him.

Since, the petitioner is in custody, therefore, he be released forthwith, subject to deposit of ₹20,000/- in Legal Service Authority of this Court, if not required in any case.

Accordingly, the present petition stands allowed.

(KULDIP SINGH)
JUDGE

May 31, 2016
sarita