

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-3224-2015 (O & M)
Date of decision:03.02.2016

Mohinder Singh ...Petitioner(s)

Versus

Baldev Raj ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Promila Nain, Advocate,
for the petitioner(s).

None for the respondent.

Rajan Gupta, J. (oral)

This is a revision petition against the conviction of the accused-petitioner under Section 138 of the Negotiable Instruments Act (hereinafter referred to be as “the Act”). The petitioner has been sentenced to undergo simple imprisonment for two years and to pay a compensation of ₹ 3000/- each to defray the amount of cheque and other expenses undertaken by the complainant to prosecute him.

A complaint was filed by the complainant-respondent against the petitioner that petitioner borrowed sum of ₹ 75,000/- from the complainant. In lieu of same, he issued a cheque bearing No.472248 dated 08.08.2007 for a sum of ₹ 75,000/- in favour of the respondent. However, the said cheque was dishonoured with the remarks “Account Closed”. On a complaint being filed, trial ensued. Petitioner was convicted by the court of Judicial Magistrate Ist Class, Ludhiana. Same was upheld by the appellate court.

Learned counsel for the petitioner submits that a compromise has been arrived at between the parties before the

Mediation and Conciliation Centre of this court. Settlement between the parties has been reduced into writing before Mediation and Conciliation Centre. Same is on record.

In view of the fact that offence under Section 138 of the Act is compoundable under Section 147 of the Act, the statement made by the complainant would amount to withdrawal from prosecution as envisaged by Section 321 Cr.P.C. In such circumstances and in view of the judgment rendered by this court in ***Ritesh Gupta v. State of Punjab and another, 2009 (3) R.C.R. (Criminal) 61***, the plea of the parties is accepted. The conviction and sentence imposed upon the petitioner for offence punishable under Section 138 of the Act is hereby set-aside and the petitioner is acquitted of the offence for which he was convicted and sentenced.

The revision petition is thus allowed in the aforesaid terms.

03.02.2016
sukhpreet

(RAJAN GUPTA)
JUDGE

Referred to the reporter : Yes