

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-3586-2015 (O & M)
Date of decision:04.04.2016

Ravinder Singh @ Ricky

...Petitioner(s)

Versus
State of Punjab and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rahul Bhargava, Advocate,
for Mr. Vaibhav Narang, Advocate,
for the petitioner(s).

Mr. Ankur Jain, AAG, Punjab.

Mr. Subhash Chand, Advocate,
for the complainant/respondent No.2.

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 rigorous imprisonment for one year.

A complaint was filed by the complainant-respondent No.2 against the petitioner on the allegations that the petitioner issued a cheque bearing No.057739 dated 30.03.2014 out of his account drawn on HDFC Bank Ltd., Branch Officer Batala Road, Amritsar, in favour of respondent No.2. However, the said cheque was dishonoured with the remarks “Insufficient Funds”. A trial ensued. The petitioner was convicted by the court of Judicial Magistrate 1st Class, Amritsar, and conviction was upheld by the appellate court.

Vide order dated February 09, 2016, this case was referred

to Mediation and Conciliation Centre of this court. The matter was settled before Mediation and Conciliation Centre and settlement was reduced into writing. Factum of compromise is not disputed by counsel appearing for the complainant and he has no objection if the present petition is disposed of in favour of the petitioner.

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 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.

04.04.2016
sukhpreet

(RAJAN GUPTA)
JUDGE