

139 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2458 of 2016 (O&M)

Date of decision : 14.07.2016

Pardeep

..... Petitioner

vs.

Karan Arora and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Avtar S.Khinda, Advocate
for the petitioner.

Mr. D.S.Nigha, Advocate
for respondent No.1.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Ajay Tewari, J (Oral)

This revision petition has been filed by the petitioner against the orders of the Courts below whereby he was sentenced by JMIC, Kapurthala to undergo imprisonment for a period of one year and to pay fine of Rs.5,000/- and in default of payment of fine to undergo imprisonment of three months more for the commission of offence under Section 138 of the Negotiable Instruments Act and his appeal against that order was also dismissed but the sentence was reduced to nine months whereas fine of Rs.5,000/- remained intact.

Learned counsel for the petitioner has argued that the matter has been settled between the parties and has therefore, prayed that the order of the Courts below be set aside and the petitioner be acquitted of the notice of accusation since the petitioner has made the entire payment alongwith interest. Learned counsel for respondent No.1 has also filed his affidavit wherein he has deposed that the matter has been settled between the parties and respondent No.1 has received the disputed amount and he has no objection if the petitioner is acquitted of the notice of accusation.

However, in view of the guidelines framed by the Hon'ble Supreme Court in Damodar S. Prabhu v. Sayed Babalal.H., (2010)5 Supreme Court Cases 663, this prayer can not be accepted. In the circumstances, even while maintaining the conviction, the sentence of the petitioner awarded by the Courts below is reduced to the period already undergone by him.

The petition is disposed off.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

14.07.2016
pooja sharma-I

(AJAY TEWARI)
JUDGE