

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

CRR No.281 of 2016 (O&M).
Decided on:-22.01.2016.

Manjit Singh.

.....Petitioner.

Versus

Bhupinder Singh.

.....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. Suneet Pal Singh Aulakh, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Petitioner Manjit Singh son of Babu Singh has filed the present revision petition against the judgment dated 7.3.2014 whereby learned Judicial Magistrate 1st Class, Ludhiana convicted him for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act) and vide separate order of even date, sentenced him to undergo simple imprisonment for six months along with fine of ₹ 500/- and in default thereof, he was further required to undergo imprisonment for 30 days.

The petitioner preferred an appeal before learned Additional

Sessions Judge, Ludhiana, but the same was also dismissed vide judgment dated 4.11.2015.

Learned counsel for the petitioner contends that after dismissal of the appeal, the matter has been compromised between the parties. In support of his contention, he has relied upon affidavit (Annexure A-1) dated 12.1.2016 executed by respondent-complainant Bhupinder Singh.

Learned counsel for the petitioner further contends that the petitioner is in custody since 4.11.2015 and he would be satisfied in case the sentence awarded to the petitioner is reduced to the period already undergone by him.

Notice of motion limited to the aforesaid extent only.

At this stage, Mr. Gurinder Singh Dhillon, Advocate puts in appearance and accepts notice on behalf of the respondent-complainant. The power of attorney filed on behalf of the respondent in Court today is taken on record. Learned counsel for the respondent also accepts the factum of compromise entered into between the parties by way of affidavit (Annexure A-1).

I have heard learned counsel for the parties.

Admittedly, the matter has been compromised between the parties by way of affidavit (Annexure A-1) executed by respondent-complainant Bhupinder Singh on 12.1.2016. The relevant paras No.3 and 4 of said affidavit read as under:

“3. That I, Bhupinder Singh has compromised the matter with the convict Manjit Singh s/o Babu Singh, and as a consequence thereof, I have no objection in case the convict/accused Manjit Singh have been acquitted.

4. That I, Bhupinder Singh have no objection in case the accused/ convict Manjit Singh s/o Babu Singh, is acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881 and I undertakes to appear in any court or before Hon'ble Punjab & Haryana High Court, at Chandigarh and to make statement pleading No Objection to the acquittal of the accused i.e. Manjit Singh s/o Babu Singh in case the Manjit Singh files a petition seeking setting aside of the conviction dated 07.03.2014 in Complaint Case No.218, dated 10.10.2006 and judgment of the Court of Sh. Daljit Singh Ralhan, Addl. Sessions Judge, Ludhiana dated 04.11.2015.”

In view of these facts and circumstances, while taking into consideration the fact that the proceedings under Section 138 of the Act, though are criminal in nature but have a civil liability as well, and keeping in view the limited prayer of learned counsel for the petitioner, this Court deems it appropriate to reduce the sentence awarded to the petitioner to the period already undergone by him.

Accordingly, the impugned judgment of conviction dated 7.3.2014 passed by learned Magistrate and affirmed by the lower appellate Court are upheld. However, the impugned order of sentence is modified to the aforesaid extent. The petitioner is ordered to be released forthwith, if not

required in any other case.

With aforesaid modification in the order of sentence, the instant revision petition stands dismissed.

January 22, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE