

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR No. 4019 of 2015 (O&M)  
DECIDED ON: May 26, 2016

HARDIAL SINGH DHILLON

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers 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?

Present: Mr. S.K. Arya, Advocate,  
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Sahil Puri, Advocate for  
Mr. Ankur Bansal, Advocate,  
for respondent No.2.

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**JASPAL SINGH, J (ORAL)**

By virtue of instant revision petition, Hardial Singh Dhillon has challenged judgment and order dated November 03, 2012 passed by Judicial Magistrate Ist Class, Amritsar whereby he has been convicted under Section 138 of the Negotiable Instrument Act (for short, "Act") and sentenced to undergo rigorous imprisonment for a period of 2 years and fine to the tune of ₹1000/- and in default thereof to further undergo simple imprisonment for two months, in a complaint case, captioned as ***"Harjinder Singh vs. Nirmal***

***Singh and another***". Even an appeal preferred by the petitioner challenging his conviction and sentence vide judgment dated November 03, 2012 has also been dismissed by lower appellate court vide judgement dated August 27, 2015.

2. Aggrieved against the aforesaid judgements of conviction and orders of sentence, petitioner has moved to this Court by way of instant appeal.

3. During the pendency of instant appeal, CRM-9670 of 2016 under Section 482 Cr.P.C. for compounding of offence under Section 138 of the Act in the above referred revision petition was filed.

4. Undisputably, the petitioner has paid a sum of ₹1,50,000/- (principal amount) alongwith interest @ ₹6% per annum from the date of issuance of cheque till date of order December 15, 2015 to the tune of ₹65,000/- besides it he has also deposited 15% of the cheque amount i.e. a sum of ₹22,500/- with Member Secretary, Punjab Legal Services Authority, Chandigarh in view of the observation made by the Hon'ble Apex Court in ***"Damodar S. Prabhu vs. Sayed Babalal H.", 2010 (2) RCR (Criminal) 851.***

5. All these facts have not been disputed by learned counsel for the respondent. Rather, he has fairly conceded that cheque amount along with interest has already been received by complainant-respondent No.2 and further that he has no objection, in case, the conviction and sentence imposed upon the petitioner is set aside by way of acceptance of instant petition.

6. At this juncture, necessary permission is also granted to

compound the offence as required under Section 147 of the Act.

7. Taking into consideration the aforesaid aspects, revision petition is allowed on the basis of compromise arrived at between the parties and conviction and sentence awarded to the petitioner vide impugned judgments of conviction and order of sentence are set aside by way of acceptance of instant petition. Consequently, the petitioner stands acquitted of the charge.

**May 26, 2016**  
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**(JASPAL SINGH)**  
**JUDGE**