

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

CRR No.3109 of 2016 (O&M)

Date of decision: October 24, 2016

Vinod Kumar

...Petitioner

Versus

Ajit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. Dhurv Gupta, Advocate
for Mr. Gursimran Singh, Advocate for the respondent.

INDERJIT SINGH, J.

The present revision has been filed by petitioner Vinod Kumar against respondent Ajit Singh challenging the impugned judgment of conviction and order of sentence dated 20.04.2015 passed by learned Judicial Magistrate Ist Class, Ludhiana vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 1 year and to pay compensation amounting to Rs.1,000/- under Section 138 of Negotiable Instruments Act and also challenging the judgment dated 22.08.2016 passed by learned Addl. Sessions Judge, Ludhiana, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued in this case.

Mr. Gursimran Singh, Advocate has put in appearance on behalf of the respondent.

I have heard learned counsel for the parties and have gone through the record.

Learned counsel for the petitioner states that matter has already been compromised between the parties. He further submits that 15% of the cheque amount has already been deposited with the High Court Legal Services Committee in compliance with order dated 21.10.2016, passed by this Court. He has also produced on record receipt regarding depositing of said amount.

On the other hand, learned counsel for the respondent submits that the matter has been settled fully and finally and she has no objection if the offence in this petition is compounded with a direction to the petitioner/accused to obey the terms of the compromise.

Heard.

In view of the compromise effected between the parties and in view of the fact that offence punishable under Section 138 of Negotiable Instruments Act, is compoundable, therefore, the judgment of conviction and order of sentence dated 20.04.2015 passed by learned JMIC, Ludhiana and judgment dated 22.08.2016 passed by learned First Appellate Court, Ludhiana are set aside in view of the lawful composition of the offence.

The petition is allowed accordingly. However, the petitioner/accused shall comply the terms and conditions of the compromise effected between the parties.

Petitioner/accused Vinod Kumar is acquitted and he be set at liberty forthwith, if his custody is not required in connection with any other case.

October 24, 2016

rajesh.k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

:

Yes

Whether Reportable

:

No