

**Criminal Revision No.3117 of 2016 (O&M)****Randhir Singh****Vs.****Jodh Singh**

**Present:** Mr. Tarundeep Kumar, Advocate for  
Mr. D.S. Pheruman, Advocate  
for the petitioner.

Mr. Anil Chawla, Advocate  
for the respondent.

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Learned counsel for the petitioner states that matter has already been compromised between the parties and as per terms of the compromise, the petitioner has already paid the amount of cheque in question to the respondent.

On the other hand, learned counsel for respondent No.2 as well as respondent No.2, who is present in the Court, state that the respondent has received the cheque amount and they have no objection if the offence is compounded.

Heard.

The Hon'ble Supreme Court in case titled **Damodar S.Prabhu versus Sayed Babalal H. 2010 (2) RCR (Criminal) 851** has held that if the application is made before the Sessions Court or High Court in revision or appeal, compounding may be allowed on payment of 15% of the cheque amount.

In view of aforesaid law laid down by the Hon'ble Supreme Court, learned counsel for the petitioner states that he is ready to deposit 15% of the cheque amount with the High Court Legal Services Committee today itself and prays that the matter be taken up after lunch.

Be put up after lunch. Receipt with regard to deposit of 15% of cheque amount be produced.

A copy of this order be given dasti to learned counsel for the petitioner under the signatures of Bench Secretary.

**October 27, 2016**

Jasmine

**(INDERJIT SINGH)  
JUDGE**

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

**CRR No.3117 of 2016 (O&M)**

Date of decision: October 27, 2016

Randhir Singh

...Petitioner

Versus

Jodh Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

**Present:** Mr. Tarundeep Kumar, Advocate for  
Mr. D.S. Pheruman, Advocate  
for the petitioner.

Mr. Anil Chawla, Advocate  
for the respondent.

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**INDERJIT SINGH, J.**

The present revision has been filed by petitioner Randhir Singh against respondent Jodh Singh challenging the impugned judgment of conviction and order of sentence dated 20.05.2015 passed by learned Judicial Magistrate Ist Class, Amritsar, vide which petitioner-Randhir Singh was convicted and sentenced to undergo rigorous imprisonment for a period of one year under Section 138 of Negotiable Instruments Act and also challenging the judgment dated 12.08.2016 passed by learned Addl. Sessions Judge, Amritsar, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued in this case.

Mr. Anil Chawla, 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 passed by this Court before lunch session. 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.

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 dated order of sentence dated 20.05.2015 passed by learned JMFC, Amritsar, and judgment dated 12.08.2016 passed by learned First Appellate Court, Amritsar are set aside in view of the lawful composition of the offence.

The petition is allowed accordingly.

Petitioner/accused Randhir Singh is acquitted of the charges framed against him in this case. He be set at liberty, if his custody is not required in connection with any other case.

October 27, 2016

jasmine

**(INDERJIT SINGH)**  
**JUDGE**

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|---------------------------|---|-----|
| Whether speaking/reasoned | : | Yes |
| Whether Reportable        | : | No  |