

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

CRR No.555 of 2014 (O&M)

Date of decision: October 20, 2016

Shiv Kumar Bhola and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sudershan Goel, Advocate for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

Ms. Rupinder Kaur, Advocate for respondent No.2.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Shiv Kumar Bhola and another against the respondent-State of Haryana and another challenging the impugned judgment of conviction dated 14.08.2012 and order of sentence dated 21.08.2012 passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, vide which petitioner-Shiv Kumar Bhola was convicted and sentenced to undergo rigorous imprisonment for a period of 2 years and to pay compensation amounting to Rs.4,00,000/- under Section 138 of Negotiable Instruments Act and also challenging the judgment dated 10.02.2014 passed by learned Addl. Sessions Judge, Yamuna Nagar at Jagadhri, vide which appeal filed by petitioners was dismissed.

Notice of motion was issued in this case.

Mr. Vikas Chopra, Deputy Advocate General, Haryana has appeared for respondent-State and Ms. Rupinder Kaur, Advocate has put in

appearance on behalf of the complainant/respondent No.2.

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

Learned counsel for the petitioners 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 19.05.2016, passed by this Court. He has also produced on record receipt regarding depositing of said amount.

On the other hand, learned counsel for respondent No.2 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 14.08.2012 and order of sentence dated 21.08.2012 passed by learned JMIC, Yamuna Nagar at Jagadhri and judgment dated 10.02.2014 passed by learned First Appellate Court, Yamuna Nagar at Jagadhri are set aside in view of the lawful composition of the offence.

The petition is allowed accordingly.

Petitioner/accused Shiv Kumar Bhola is acquitted. Since, the petitioner/accused is already on bail, therefore, bail bonds furnished on his behalf stand discharged.

October 20, 2016

rajesh.k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

:

Yes

Whether Reportable

:

No