

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

Anuradha
2016.11.07 11:23
Attest to the accuracy and
integrity of this document

238

CRR-3337-2016 (O&M)

Date of decision : 27.10.2016

Mahipal Singh

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent judgement of the courts below where by the petitioner has been convicted under Section 138 of the Negotiable Instruments Act and has been sentenced to undergo rigorous imprisonment of 01 year and to pay a fine of Rs. 4,27,000/- as compensation. On 29.09.2016 the following order was passed:-

“This is an application for suspension of sentence of the applicant.

Learned counsel for the petitioner states that entire amount has been paid to the complainant before Additional Sessions Judge and is ready to pay compounded charges also.

In the circumstances, I deem it appropriate to grant interim suspension of sentence

*to the petitioner so as to enable him to compound and
to deposit the compounded charges.*

Anuradha
I attest to the accuracy and
integrity of this document

Adjourned to 27.10.2016.

*Interim bail to the satisfaction of
CJM/Duty Magistrate Faridabad.”*

Today learned DAG states that the matter has been compromised and the petitioner has paid the compounded charges also apart from the compensation amount and he has no objection if the judgment of conviction and sentence are set aside.

In these circumstance, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, the revision is allowed and parties are allowed to compound the offence under Section 138 of Negotiable Instruments Act and impugned judgments are set aside accordingly and the petitioner acquitted.

Since the main case has been decided, the pending miscellaneous application if any, also stands dispose of.

October 27 , 2016

anuradha

Whether speaking/reasoned

Whether Reportable :

**(AJAY TEWARI)
JUDGE**

Yes/No

Yes/No