

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 334 of 2016 (O&M)
DECIDED ON: FEBRUARY 08, 2016

RAKESH KUMAR

....PETITIONER

VERSUS

CHOLAMANDALAM INVESTMENT & FINANCE

....RESPONDENT

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. Ashok Giri, Advocate
for the petitioner.

Mr. Asik Ali, authorised representative of respondent-company in
person alongwith Mr. Varun Katyal, Advocate
for the respondent-company.

JASPAL SINGH, J (ORAL)

CRM No. 3543 of 2016

Application is allowed, as prayed for.

Main case is preponed for today.

Annexures P-5 and P-6 are taken on record, subject to all just
exceptions.

CRR No. 334 of 2016 (O&M)

Instant revision petition has been preferred Rakesh Kumar
challenging the order dated January 05, 2016 passed by learned Additional
Sessions Judge whereby, an appeal preferred by him against the judgment of
conviction and order of sentence dated February 11, 2015 passed by learned
Judicial Magistrate Ist Class, Jalandhar vide which he has been convicted under

Section 138 of Negotiable Instruments Act (for short 'Act') and sentenced to undergo RI for a period of one year; besides to pay fine, was dismissed.

2. During the pendency of instant revision petition a compromise has been effected in between the parties. According to which claim of respondent-company stood satisfied. Today, Mr. Asik Ali, authorised representative of respondent-company has appeared in person with his counsel Mr. Varun Katyal, Advocate who has furnished his affidavit, which is taken on record, in which he has categorically stated that the same is absolutely in consonance with settlement arrived at between the parties. According to which the amount in question has already been received by respondent-company and nothing is due against the petitioner and further that respondent-company has no objection, if the instant petition is disposed of in view of compromise arrived at between the parties.

3. This Court has given an anxious thought to the submissions made by learned counsel for the parties and have perused the record.

4. A compromise arrived at between the parties is suggestive of the fact that entire claim of respondent-company stood satisfied and respondent-company has no objection in case the instant petition is disposed of in view thereof. In view of guidelines laid down in **Damodar S. Prabhu v. Sayed Babalal H.; 2010(15) SCC 663;** petitioner has already deposited 15% of the cheque amount. This fact is also evident from the receipt issued by Secretary, District Legal Services Authority, Jalandhar, photocopy thereof, is taken on record.

5. Keeping in view the above narrated facts and specially in view of settlement arrived at between the parties, instant revision petition is accepted

and judgment of conviction and order of sentence awarded to the petitioner by learned Judicial Magistrate Ist Class vide order dated February 11, 2015 and upheld by learned Additional Sessions Judge, Jalandhar vide order dated January 05, 2016 are set aside. Since the petitioner is in custody, he is ordered to be released forthwith.

5. In view of order passed in main revision petition, application bearing ***CRM No. 2736 of 2016*** seeking suspension of sentence of imprisonment of the applicant/petitioner has been rendered infructuous and as such is dismissed.

FEBRUARY 08, 2016
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(JASPAL SINGH)
JUDGE