

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 4570 of 2015 (O&M)
DECIDED ON: AUGUST 09, 2016

BALBIR SINGH

... PETITIONER

VERSUS

KISHAN LAL & ANOTHER

... RESPONDENTS

CORAM:HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.C. Kapoor, Advocate
for the petitioner.

Mr. Sham Lal Bhalla, Advocate
for respondent No. 1.

Mr. A.S. Virk, Addl. PP, UT Chandigarh
for respondent No.2.

JASPAL SINGH.J

Challenge in this revision petition is to the judgment/order dated September 24, 2015 passed by learned Additional Sessions Judge, Chandigarh whereby judgment of conviction and order of sentence dated September 22, 2014 passed by learned Judicial Magistrate Ist Class, Chandigarh was upheld vide which petitioner has been convicted under Section 138 of Negotiable Instruments Act (for short "Act") and sentenced to undergo RI for a period of six months; besides to pay compensation to the tune of ₹70,000/-.

2. Briefly stated, facts giving rise to the instant *lis* are that complainant had given a friendly loan of ₹70,000/- to the petitioner, who assured the complainant to return the same within three months. Petitioner

issued a cheque bearing No. 302536 dated February 25, 2012 amounting to ₹70,000/- drawn on Punjab and Sindh Bank, Sector 34-A, Chandigarh in favour of complainant/respondent No.1, in order to discharge his legally enforceable liability. The said cheque on its presentation before bank for encashment was dishonoured and returned back with remarks "Account Closed". Thereafter, a legal notice was also issued to the petitioner by the complainant/respondent but it did not fetch any reply. Ultimately, complainant approached the court by way of filing of complaint under Section 138 of the Act.

3. After hearing learned counsel for the parties and perusing the record, learned trial Court convicted and sentenced the accused-petitioner under Section 138 of the Act as fully reflected in para 1 of this judgment.

4. Aggrieved against judgment of conviction and order of sentence dated September 22, 2014 passed by JMIC, Chandigarh, petitioner preferred an appeal before learned Additional Sessions Judge, Chandigarh, which was also dismissed on September 24, 2015. Hence, the present petition.

5. During the pendency of instant revision petition, parties arrived at an amicable settlement.

6. Learned counsel for respondent No.1 has placed on record an affidavit, in which, he has categorically stated that he has received the full and final payment from the petitioner and nothing remains due against the petitioner. He further stated that he has no objection, in case, the revision petition is accepted and the petitioner is acquitted of the charge(s) levelled against him. This fact has been categorically admitted by learned counsel

for the respondent and his counsel, who are present in the Court.

7. In the light of an amicable settlement of the dispute between the parties and that claim of the respondent-complainant has since satisfied, the instant revision petition is accepted. The judgment(s) and order(s) passed by both the courts below i.e. September 22, 2014 and September 24, 2015, respectively are set aside. Consequently, the petitioner stands acquitted.

AUGUST 09, 2016
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(JASPAL SINGH)
JUDGE