
**231(a) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No. 461 of 2015 (O&M)
DECIDED ON: JANUARY 12, 2016**

RAJNEESH MEHRA AND ANOTHER

.....PETITIONERS

VERSUS

M/S KARTIK TEXTILES AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. B.D. Sharma, Advocate, for the petitioners.

Mr. K.S. Rekhi, Advocate, for respondent No.1.

Mr. Arjinder Singh Sidhu, AAG, Punjab.

JASPAL SINGH, J (ORAL)

Challenge in this revision petition is to the judgment dated November 20, 2014 passed by learned Additional Sessions Judge, Fast Track Court, Amritsar, whereby it has confirmed the judgment dated September 14, 2011, passed by learned JMIC, Amritsar, vide which, the petitioners have been convicted under Section 138 of Negotiable Instrument Act (for short Act only) and sentenced to undergo for rigorous imprisonment for one year and fine of Rs.1000/-.

Vide order dated February 12, 2015, notice of motion was issued with regard to quantum of sentence only.

In response to notice of motion, order dated February 12, 2015, respondent No.1-complainant appeared in Court through K.S. Rekhi, Advocate on April 09, 2015. He showed his intention to settle the matter on payment of

Rs.1,00,000/- including upto date interest. As is evident from interim order May 14, 2015, an amount of Rs.1,00,000/- was paid to the complainant by way of bank draft by the respondent. Vide order dated September 24, 2015, parties are directed to appear before Id. Illaqa Magistrate and to get their statements recorded with regard to the compromise arrived at between them with direction to send his report with regard to the genuineness of the compromise.

Since, the complainant did not appear before the Magistrate, Amritsar in compliance of the order passed by this Court, he could not record his satisfaction but one thing is evident that Atul Kumar, Special Attorney holder of the proprietor of respondent No.1 has admitted before the learned Magistrate, Amritsar on April 24, 2015 that he has received the original Demand Draft totalling worth Rs.1,00,000/-.

Since, the amount of Rs.1,00,000/- as settled between the parties has already been received and both the petitioners have already undergone approximately a period of three months, this Court is of the considered view that it would be just, proper and in the interest of justice that the sentence imposed upon the petitioners be modified to the period already undergone by them and the order is made accordingly.

The instant petition stands disposed of .

JANUARY 12, 2016

Ankur

**(JASPAL SINGH)
JUDGE**