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

**CRR No. 472 of 2015 (O&M)
DECIDED ON: JANUARY 12, 2016**

RAJNEESH MEHRA AND ANOTHER

.....PETITIONERS

VERSUS

M/S RUCHI TREXILES

.....RESPONDENT

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/-.

In response to notice of motion, order dated February 13, 2015, respondent No.1-complainant appeared in Court through K.S. Rekhi, Advocate on May 14, 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 August 24, 2015 passed in **CRM No.26543 of 2015**, respondent No.1 admitted

the receipt of payment of amount and further stated that he would not have any objection in case the application for compounding the offences is allowed. Accordingly, **CRM No.26543 of 2015** was allowed. Subsequent thereto, vide order dated September 24, 2015, the parties were directed to appear before learned Illaqa Magistrate on or before October 05, 2015 for getting their statements recorded so as to enable the learned Magistrate to record his satisfaction on the genuineness of 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 May 29, 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 order is made accordingly.

The instant petition stands disposed of.

JANUARY 12, 2016
Ankur

(JASPAL SINGH)
JUDGE