

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-360-2016 (O&M)

Date of Decision: February 9, 2016

Rashpal Singh

...Petitioner

Versus

Paramjit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Gautam Thapar, Advocate,
for the petitioner.

Mr. Gurdeep Singh, Advocate,
for respondent No. 1-Paramjit Singh.

Mr. P.S. Ghuman, Addl. AG, Punjab,
respondent No. 2-State of Punjab.

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?*

NARESH KUMAR SANGHI, J. (Oral)

Challenge in this criminal revision petition is to the judgment, dated 4.1.2016, passed by learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar, whereby the appeal filed by the petitioner, Rashpal Singh, challenging his conviction and sentence for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for brevity,

'N.I. Act'), recorded by learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar, was dismissed.

On 29.1.2016, when the revision petition came up for preliminary hearing, at that time learned counsel for the petitioner contended that after dismissal of the appeal by learned Additional Sessions Judge, the better sense prevailed and both the private factions had resolved their dispute and effected a compromise.

Notice to both the respondents was issued and Mr. Gurdeep Singh, Advocate, and learned counsel for the State, who were present in the Court, accepted notices on behalf of respondent Nos. 1 and 2, respectively.

Today, respondent No. 1/complainant, Paramjit Singh, is present in person with his counsel Mr. Gurdeep Singh. His statement on oath was recorded separately in which he admitted the factum of compromise and accorded his consent that he had no objection if by setting aside the judgments of both the Courts below, the petitioner, Rashpal Singh, was acquitted of the charge levelled against him.

Mr. Gurdeep Singh, learned counsel for respondent No. 1 also states at the bar that he has no objection if the impugned judgments are set aside and the petitioner is

acquitted of the charge levelled against him, on the basis of the compromise.

Learned counsel for the State has also submitted that by virtue of Section 147 of the N.I. Act, the offence punishable under Section 138 of the N.I. Act, is compoundable.

All the counsel representing their respective parties are in unison that while exercising revisional jurisdiction, this Court can permit the parties to compound the offence punishable under Section 138 of the N.I. Act, at this stage.

In view of the compromise effected between the private parties, this Court permits them to compound the offence under Section 138 of the N.I. Act.

In view of the compromise so effected, the net result would be to acquit the accused/petitioner, Rashpal Singh.

Keeping in view the totality of the facts and circumstances of the case, especially the statement suffered by respondent No. 1/complainant, Paramjit Singh, the judgments passed by both the Courts below holding the petitioner guilty under Section 138 of the N.I. Act and passing the order of sentence, are set aside and the accused/petitioner, Rashpal Singh, son of Swarn Singh, resident of VPO Hiala, Tehsil Nawanshahar, District Shaheed Bhagat Singh Nagar, is acquitted

of the charge levelled against him.

Since the petitioner is stated to be behind the bars, therefore, he be set at liberty at once if not required in any other case.

(NARESH KUMAR SANGHI)
JUDGE

February 9, 2016
P Kapoor