

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 902 of 2014
Date of decision : August 02, 2016

Rajesh Sharma

....Petitioner

versus

State of Haryana and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Chander Pal Tiwana, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana, for respondent no. 1
Mr. BS Walia, Advocate, for respondent No. 2

Fateh Deep Singh, J. (Oral)

The present revisionist-petitioner Rajesh Sharma was found guilty and convicted under section 138 of the Negotiable Instruments Act (in short, the Act) vide judgment dated 19.12.2012 by the court of learned Judicial Magistrate Ist Class, Panchkula and has been sentenced to undergo imprisonment for a period of one year and to pay compensation equivalent to cheque amount of Rs 60,000/- under section 357(3) of the Cr.P.C. The same was assailed in his appeal and the court of learned Additional Sessions Judge, Panchkula through judgment dated 11.3.2014 has dismissed the appeal, however, modified the impugned finding of the trial court and

reduced the sentence to RI for six months but upheld the quantum of compensation so awarded.

The revisionist has assailed the same before this Court in this revision petition. It is during the course of this revision, the matter was referred to Mediator through orders dated 26.2.2016.

As per report dated 25.4.2016, the parties have effected a settlement in terms of settlement agreement dated 21.4.2016 placed on record whereby the parties have undertaken the compromise and as a sequel to this compromise Rs 95,000/- has already been paid by the revisionist to the complainant and the amount of Rs 60,000/- already deposited which are by way of deposit in the court, in all totalling to Rs 1,55,000/-. The complainant shall be entitled to receive the same to which the petitioner shall have no objection and thus all disputes arising out of cheque No. 647725 dated 1.6.2009 have been comprehensively settled. The parties have further undertaken that they will withdraw all cases in respect of the same and shall not initiate any action against each other for the said cheque.

Since the petitioner has been convicted under section 138 of the Act and which as per the settled position of laid down in ***G.Sivarajan Vs. Little Flower Kuries & Enterprises Ltd. & Anr., 2005(2 DCR 408 and Ritesh Gupta vs. State of Punjab and another, 2009(3) RCR (Crl.) 61*** is a compoundable offence and in view of the settlement between the parties which is vouched before this Court even by the counsel for the two sides and therefore, judgment of conviction dated 19.12.2012 by the court of

learned Judicial Magistrate Ist Class, Panchkula and judgment dated 11.3.2014 of the learned first appellate court convicting the revisionist under section 138 of the Act are hereby set aside and the offence is ordered to be compounded. The present revision petition is disposed off accordingly.

August 02, 2016
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>