

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-4803-2015

Date of Decision: February 8, 2016

Gurvinder Pal Singh

...Petitioner

Versus

Mann Trading Co. Jhoke Hari Har through its Prop. Harbans Singh
Mann and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. P.S. Khurana, Advocate,
for the petitioner.

Mr. Piyush Sharma, Advocate,
for respondent No. 1.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 2.

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 21.11.2015, passed by learned Sessions Judge, Ferozepur, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 (for brevity NI Act), recorded by learned Chief Judicial

Magistrate, Ferozepur, was dismissed.

At the very outset, learned counsel for the petitioner submits that during the pendency of the present petition, the better sense has prevailed and both the factions have resolved their dispute and effected a compromise. He further submits that as a sequel to the said compromise, the due amount has been paid to the respondent/complainant. He further submits that the offence punishable under Section 138 of NI Act, is compoundable in view of the provisions contained in Section 147 of the NI Act.

Mr. Piyush Sharma, Advocate, representing respondent No. 1 and learned counsel for the State very fairly concede that by virtue of Section 147 of NI Act, the offence punishable under Section 138 of NI Act, can be permitted to be compounded by this Court while exercising the revisional jurisdiction. Mr. Piyush Sharma, Advocate, representing respondent No. 1, further concedes that the respondent/complainant has sorted out his dispute with the petitioner and has no objection if the judgments passed by both the Courts below are set aside, and the petitioner is acquitted of the charge levelled against him.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that on account of bouncing of a cheque, a complaint for the offence

punishable under Section 138 of NI Act, was presented by the respondent for prosecution of the petitioner. The said complaint was accepted and the petitioner was convicted and sentenced for the offence punishable under Section 138 of NI Act. The appeal filed by the petitioner also failed and, as such, he has approached this Court by way of present criminal revision petition.

The respondent through its sole proprietor, Harbans Singh Mann, suffered statement on oath before this Court which was recorded separately, admitting the factum of compromise. He deposed that if the petitioner was acquitted of the charge levelled against him, then he would have no objection. Learned counsel for the parties are in unison that the offence punishable under Section 138 of NI Act, is compoundable by virtue of Section 147 of NI Act.

As a sequel to the above and taking into consideration the provisions contained in Section 147 of NI Act, this Court permits the parties to compound the offence.

When the offence is compoundable and the Court while exercising the revisional jurisdiction permits the parties to compound the offence, then the net result would be to set aside the judgment of conviction and sentence, and acquit the accused.

As a result thereof, the judgments passed by both the Courts below are set aside and the petitioner is acquitted of the

charge levelled against him.

Learned counsel for the parties submit that the petitioner is in custody and, as such, it is directed that he be released at once, if not required in any other case.

(NARESH KUMAR SANGHI)
JUDGE

February 8, 2016
apurva

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GURVINDER PAL SINGH VS MANN TRADING CO. JHOKE HARI HAR THROUGH ITS PROP. HARBANS SINGH MANN

Present: Mr. P.S. Khurana, Advocate,
for the petitioner.

Mr. Piyush Sharma, Advocate,
for the respondent.

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Learned counsel for the petitioner submits that due to inadvertence, the State of Punjab could not be arrayed as respondent, therefore, at his oral request, the State of Punjab be directed to be impleaded as respondent No. 2.

The request appears to be genuine. The registry is directed to add the name of State of Punjab as respondent No. 2, in the memo of parties.

(NARESH KUMAR SANGHI)
JUDGE

February 08, 2016
apurva

219 CRR-4803-2015

GURVINDER PAL SINGH VS MANN TRADING CO. JHOKE HARI HAR THROUGH ITS PROP. HARBANS SINGH MANN AND ANR.

Present: Mr. P.S. Khurana, Advocate,
for the petitioner.

Mr. Piyush Sharma, Advocate,
for respondent No. 1.

Mr. K.S. Pannu, DAG, Punjab.

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Mr. K.S. Pannu, learned Deputy AG, Punjab, is present in Court. He accepts the notice on behalf of respondent No. 2. The complete copy of the paper book has been supplied to him in the Court.

(NARESH KUMAR SANGHI)
JUDGE

February 08, 2016
apurva