

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

Sr. No.223

**CRR NO. 4925 OF 2015 (O&M)
DECIDED ON: May 19, 2016**

GURMAIL SINGH

..PETITIONER

VERSUS

ROYAL CAPITAL SERVICES

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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?

Present: Mr. Maninder Singh Bajwa, Advocate,
for the petitioner.

Mr. Shiv Kumar, Advocate,
for the respondent.

JASPAL SINGH, J. (ORAL)

By virtue of this revision petition moved by Gurmail Singh-
petitioner has challenged his conviction and sentence awarded to him under
Section 138 of the Negotiable Instruments Act, 1881 (for short Act only)
vide judgment dated August 05, 2013 passed by the learned Magistrate,
which has been upheld by learned Additional Sessions Judge, Chandigarh
vide judgment dated December 02, 2015, whereby his appeal was dismissed.

It would be pertinent to mention here that after the dismissal of
the appeal by learned Additional Sessions Judge, Chandigarh, the petitioner
slip away from the proceedings and manage to prefer instant revision

petition. However, in compliance of the order dated May 04, 2016 passed by this Court, he has surrendered in the Court and now he is cooling his heels behind the bars and serving out the sentence imposed upon him by the Courts below. During the pendency of instant appeal, an amicable settlement arrived at in between petitioner and respondent-complainant. In pursuance of which, a sum of Rs.75,000/- has been paid by way of two different drafts bearing Nos.UMU-097562 and UMU-097847, which have been duly received by respondent, photocopies are taken on record .

Learned counsel for the respondent Mr. Shiv Kumar, Advocate, acknowledged the receipt of the aforesaid amount by way of drafts. Further learned counsel for the respondent has no objection in case instant petition is disposed of in view of compromise arrived at in between the parties.

In view of the compromise arrived at in between the parties and further a sum of Rs.75,000/- has already been paid by the petitioner to complainant-respondent, this Court is of the considered view that a lenient view should be taken in the matter of sentence. Accordingly, while holding the conviction of the accused under Section 138 of the Negotiable Instruments Act, 1881, the sentence awarded to the petitioner is reduced to the period already undergone with no change in the fine clause. Since the petitioner is in custody. Let his release warrant be issued immediately.

CRM No. 41550 of 2015

In view of the above, his application for suspension of sentence has rendered infructuous.

May 19, 2016
Ankur

(JASPAL SINGH)
JUDGE