

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4930 of 2015 (O&M)

Date of Decision: March 14, 2016

M/s Shiv Thread Industries and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Sirpikhi, Advocate
for the petitioners.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Davinder Bir Singh, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners M/s Shiv Thread Industries and Surinder Singh against State of Punjab and M/s Rippi Traders through its proprietor Bhavnesh Gupta, challenging the impugned judgment of conviction and order of sentence dated 12.02.2014 passed by learned Judicial Magistrate Ist Class Ludhiana, vide which the petitioner was convicted and sentenced to undergo simple imprisonment for a period of eighteen months and to pay fine of ₹1000/- and in default of payment of fine, to further undergo imprisonment for a period of thirty days under Section

138 of the Negotiable Instruments Act and also challenging the judgment dated 23.11.2015 passed by learned Addl. Sessions Judge, Ludhiana, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared.

At the time of arguments, learned counsel for the petitioners as well as learned counsel for respondent No.2 stated before this Court that they have effected the compromise. Learned counsel for respondent No.2 submitted that respondent No.2 has received the amount from petitioner No.2 as full and final settlement of the cheque in question. He further contended that respondent No.2 has no objection if the sentence of petitioner No.2 is reduced. Learned counsel for the petitioners requested for taking lenient view, in view of the settlement with respondent No.2. The petitioner is not ready to deposit 15% of cheque amount to the High Court Legal Services Committee as per the judgment passed by the Hon'ble Supreme Court in ***Damodar S. Prabhu Vs. Sayed Babalal H, 2010 (5) SCC 663.***

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Keeping in view the fact that the parties have effected compromise and the cheque amount has already been settled with respondent No.2, lenient view regarding the sentence can be taken. As argued, the petitioner No.2 is in custody since 23.11.2015 i.e. when the appeal filed by the petitioners was dismissed.

In view of the facts and circumstances of the present case, in view of the compromise and keeping in view the fact that petitioner No.2 is in custody for the last about four months, the sentence of the petitioner No.2 is reduced to the sentence already undergone by him. Petitioner No.2 Surinder Singh, who is in custody, be released forthwith, if his custody is not required in any other case, subject to payment of fine, if already not paid.

Resultantly, present revision petition stands partly accepted.

March 14, 2016
Vgulati

(INDERJIT SINGH)
JUDGE