

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

CRR-4209-2016 (O & M)

Date of decision: December 7, 2016

M/s Raja Ram Bhagwan Dass and another

...Petitioners

Versus

Jatin Garg

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Karan Garg, Advocate
for the petitioners.

Mr. Vishal Goel, Advocate,
for the respondent.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners M/s Raja Ram Bhagwan Dass and another against respondent-Jatin Garg challenging the impugned judgment of conviction and order of sentence dated 23.07.2014 passed by learned Judicial Magistrate Ist Class, Bathinda, vide which petitioner-Bhagwan Dass was convicted and sentenced to undergo rigorous imprisonment for a period of 2 years and to pay compensation amounting to Rs.10,000/- under Section 138 of Negotiable Instruments Act and also challenging the judgment dated 01.10.2016 passed by learned Addl. Sessions Judge, Bathinda, vide which appeal filed by petitioners was dismissed.

Notice of motion was issued in this case.

Mr. Vishal Goel, Advocate put in appearance on behalf of the

respondent.

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

Learned counsel for the petitioners states that matter has already been compromised between the parties. He further submits that 15% of the cheque amount has already been deposited with the High Court Legal Services Committee in compliance with order dated 01.12.2016, passed by this Court. He has also produced on record receipt regarding depositing of said amount.

On the other hand, learned counsel for respondent submits that the matter has been settled fully and finally and he has no objection if the offence in this petition is compounded.

Heard.

In view of the compromise effected between the parties and in view of the fact that offence punishable under Section 138 of Negotiable Instruments Act, is compoundable, therefore, the judgment of conviction and order of sentence dated 23.07.2014 passed by learned Judicial Magistrate Ist Class, Bathinda and the judgment dated 01.10.2016 passed by learned Addl. Sessions Judge, Bathinda are set aside in view of the lawful composition of the offence.

The petition is allowed accordingly.

Petitioner/accused Bhagwan Dass is acquitted of the charges framed against him.

At this stage, learned counsel for the petitioner submits that the petitioner has already surrendered before the learned lower Court and now is confined in Central Jail, Bathinda.

Petitioner, Bhagwan Dass, who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case.

December 7, 2016
parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No