

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

CRR No. 4281 of 2016 (O&M)

Date of Decision: 09.12.2016.

Ravinder Pratap Gupta

... Petitioner

Versus

Mrs. Geeta Mehtani

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sandeep Malik, Advocate for
Mr. Johan Kumar, Advocate,
for the petitioner.

Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate,
for the respondent.

JITENDRA CHAUHAN.J.

This revision is directed against the judgment dated 20.07.2015 and order dated 24.07.2015, passed by Judicial Magistrate First Class, Faridabad vide which the petitioner was convicted under Section 138 of Negotiable Instruments Act (for short “the Act”) and sentenced to undergo imprisonment for six months and to pay compensation of Rs.29,000/- and; the judgment dated 09.11.2016, passed by Sessions Judge, Faridabad vide which the appeal filed by the petitioner was dismissed.

During the pendency of the present petition, the parties have effected a compromise. The petitioner has agreed to pay a sum of Rs.30,000/- to the respondent, out of this amount, the petitioner has handed over a draft of Rs.25,000/- (photocopy of which is taken on record as Mark 'A') to the respondent in the Court today. An amount of

Rs.5000/- in cash has also been received by the respondent in the Court.

Learned counsel appearing on behalf of the respondent admits the receipt of the draft as well as cash amount. He further states that the respondent has no objection if the offence is compounded and the petitioner is acquitted of the charge on the basis of composition.

In view of the fact that the parties have effected the compromise, the cheque amount i.e. Rs.25,000/- has been repaid to the respondent by way of bank draft, Mark 'A' and an amount of Rs.5000/- in cash has also been received by the respondent in the Court, the offence under Section 138 of the Act is compoundable thus, the present revision petition is accepted, the petitioner is acquitted of the offence under Section 138 of the Act on the basis of composition. The petitioner is directed to make payment of the remaining amount of Rs.5000/- to the respondent within a period of two months from today. The petitioner is in custody, he be released forthwith, if not required in any other case. In case the petitioner fails to comply with the aforesaid order within the stipulated period, the revision petition shall be deemed to be dismissed without further notice.

09.12.2016.

SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No