

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

CRR No.500 of 2016 (O&M).  
Decided on:-17.02.2016.

Parkash Mehta.

.....Petitioner.

Versus

Laxman Sharma.

.....Respondent.

***CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.***

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. Pankaj Bali, Advocate  
for the petitioner.

Mr. Deepak Sharma, Advocate  
for the respondent.

**HARI PAL VERMA, J.**

The petitioner has filed the present revision petition against the judgment dated 2.2.2016 passed by learned Additional Sessions Judge, Yamuna Nagar whereby his appeal filed against the judgment of conviction dated 25.5.2015 and order of sentence dated 26.5.2015 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Yamuna Nagar was dismissed.

Briefly stated, the facts of the case are that the respondent-complainant filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act) alleging therein that the petitioner-accused in discharge of his existing part liability issued a cheque bearing

No.009841 dated 9.4.2012 in the sum of ₹ 48,000/- drawn on the Federal Bank Limited, Karnal in favour of the respondent-complainant. However, on presentation, the said cheque was dishonoured by the bank vide memo dated 9.5.2012 with the remarks "Account Closed". Thereafter, legal notice dated 16.5.2012 was issued by the respondent-complainant to the petitioner-accused but the petitioner failed to make the payment. As such, the complaint was filed against him.

Learned Magistrate vide judgment dated 25.5.2015 convicted the petitioner for offence punishable under Section 138 of the Act and vide separate order dated 26.5.2015, sentenced him to undergo rigorous imprisonment for a period of one year and to pay a sum of ₹ 70,000/- to the complainant as compensation within two months, and in default thereof, to further undergo rigorous imprisonment for three months.

Learned counsel for the petitioner has contended that during the pendency of the instant revision petition, a settlement has been arrived at between the parties and as per the said settlement, the petitioner has paid the entire amount to the respondent. Learned counsel has further submitted that since the petitioner has cleared all the outstanding amount to the respondent, he may be acquitted of the charges framed against him.

Learned counsel appearing for the respondent-complainant has admitted the factum of settlement arrived at between the petitioner-accused and the respondent-complainant during the pendency of instant revision

petition and submits that the entire outstanding amount stands repaid by the petitioner-accused as per the settlement. He has also submitted that he has no objection in case the present revision petition is disposed of or the petitioner is acquitted of charges framed against him.

I have heard learned counsel for the parties.

Though the matter has been compromised between the parties but petitioner-accused has put the entire State machinery in motion and as per the ratio of law laid down by Hon'ble Apex Court in ***Damodar S. Prabhu Vs. Sayed Babalal H. 2010 (2) RCR (Criminal) 851***, he is required to pay 15% of the cheque amount to the State exchequer.

Learned counsel for the petitioner-accused has submitted that in compliance of order dated February 08, 2016 passed by this Court, he has deposited the compounding fee of ₹ 7,200/- vide receipt No.0001835 dated 15.2.2016 with the Haryana Legal Services Authority, Chandigarh. He has also produced copy of the said receipt, which is taken on record.

Accordingly, keeping in view the fact that the matter has been finally settled and the liability is discharged; the present revision petition is allowed; the judgment of conviction dated 25.5.2015 and order of sentence dated 26.5.2015 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Yamuna Nagar in Criminal Complaint No.4029 of 2012 as well as judgment dated 2.2.2016 in Criminal Appeal No.116 of 2015 passed by learned Additional Sessions Judge, Yamuna Nagar, affirming the conviction of petitioner-

accused, are set aside and the petitioner is acquitted of the charge levelled against him. The bail bond furnished by the petitioner shall stand discharged.

**February 17, 2016**

Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**