

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

CRR-627-2016(O&M)

Date of decision : 08.09.2016

SUDARSHAN KUMAR

.....PETITIONER

VS

AVTAR CHAND

..... RESPONDENT

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Z.S.Chauhan, Advocate for the petitioner.

Mr.Shilesh Gupta, Addl.AG, Punjab.

Mr.Devinder, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

This revision petition has been filed against the concurrent conviction of the petitioner under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner states that the petitioner has made the entire payment of the cheque to the complainant to his satisfaction and further prays for permission to deposit the amount of Rs. 67,500/- in terms of the judgment of the Supreme Court in **Damodar S.Prabhu vs Sayed Babalal H**, Criminal Appeal No.963 of 2010 decided on 03.05.2010. Learned counsel for the complainant and learned Addl.AG state that in these circumstances they have no objection if the petition is allowed and the impugned order is set aside.

The Supreme Court in **Damodar S.Prabhu vs Sayed Babalal**

H, Criminal Appeal No.963 of 2010 decided on 03.05.2010 has laid down certain guidelines for compounding the offence under Section 138 of the Negotiable Instruments Act, one of them is that the compounding before Sessions Court or High Court would be allowed only on the condition if the accused deposits 15% of the cheque amount by way of costs.

In view of the above judicial pronouncement, the parties are allowed to compound the offence but on the condition that the petitioner will deposit 15% of the cheque amount i.e. Rs. 67,500/- as stated above, as costs before the trial Court within a period of one month from the date of receipt of a certified copy of this order.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

September 08, 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

(AJAY TEWARI)
JUDGE

September 08, 2016
sunita