

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 233

Date of Decision: *July 26, 2016*

Criminal Revision No.866 of 2016 (O & M)

Ram Bhagat Malhotra

..... PETITIONER

VERSUS

M/s Tula Ram Lakhmi Chand

..... RESPONDENT

. . .

Criminal Revision No.954 of 2016 (O & M)

Ram Bhagat Malhotra

..... PETITIONER

VERSUS

M/s Tula Ram Lakhmi Chand

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

PRESENT: - Mr. Ashish Gupta, Advocate, for the petitioner.

Mr. Munish Kumar Garg, Advocate, for the respondent
alongwith Mr. Ram Kumar, complainant.

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Jaspal Singh, J

1. This judgment shall decide aforementioned two revision petitions as they involve similar question of facts and law.

2. The instant revision petitions have been preferred by Ram Bhagat Malhotra against judgment dated February 16, 2016 passed by the Additional Sessions Judge, Palwal, whereby judgment of conviction dated June 8, 2015 and order of sentence dated June 9, 2015 passed by the Judicial Magistrate 1st Class, Hodal, in complaint titled “M/s Tula Ram Lakhmi Chand vs. Ram Bhagat Malhotra” under Section 138 of the Negotiable Instruments Act, 1881, have been upheld. The petitioner, in both the cases, was convicted and sentenced by the trial court to undergo simple imprisonment for a period of one year and six months alongwith compensation of ₹ 2 lac.

2. During the pendency of petitions, a compromise has been effected between the parties. Compromise Deed dated July 26, 2016 duly supported by an affidavit of respondent – complainant, produced in court, is taken on record. It is evident from the compromise deed and affidavit of respondent that parties have amicably resolved the matter. Sumit Malhotra son of petitioner, will pay total amount due towards the respondent – complainant and that, complainant does not want to pursue the criminal complaint as he has received final payment from son of petitioner. Complainant shall not claim any amount from petitioner subject matter of aforesaid criminal complaints in future. The complainant has no objection is petitioner is acquitted of the charge.

3. Learned counsel for the respondent also reiterates that complainant has received the entire amount as per the compromise arrived at between the parties.

4. As the offence complaint of is non-compoundable, however, in view of the fact that parties have amicably arrived at compromise, it is a major factor to take a lenient view in the matter of sentence. Thus, this court is of the considered view that a chance be given to the petitioners for reform & improve themselves; to become good citizens; and to lead a peaceful & harmonious life.

5. Consequently, instant petitions are allowed. Impugned judgments/orders passed by the courts below are set aside and accused – petitioner is acquitted of the charge framed against him. The petitioner be released forthwith.

July 26, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No