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CRR No. 3354 of 2009 & CRR No. 3360 of 2009 (O&M)

DHARAM CHAND

V/S

DAULAT RAM

Present: Mr. Ved Parkash-son of petitioner with
Mr. Hemant Bassi, Advocate for the petitioner

Mr. Ramesh Sharma, Advocate for respondent-complainant

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We propose to dispose of the above referred two revision petitions by this common judgment.

The facts are that petitioner-Dharam Chand in order to discharge his liability had issued two cheques bearing No.410872 dated 14.12.2000 for a sum of ₹ 56,000/- and a cheque bearing No.PYM 410874 dated 14.5.2001 for a sum of ₹ 60,000/- in favour of complainant-Daulat Ram. Both the cheques were disnonoured. Resultantly, complainant-Daulat Ram filed two separate complaints under Section 138 of the Negotiable Instruments Act, 1881. The petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 in both the cases and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹ 2,000/- and in default of the payment of fine to further undergo rigorous imprisonment for 10 days in each case vide judgment dated 5.2.2009 passed by JMIC, Abohar.

The petitioner filed two separate appeals against the said judgment which were dismissed by Sessions Judge, Ferozepur vide judgment dated 26.11.2009.

The petitioner preferred the present revision petitions.

Both the revision petitions have been referred to the Lok Adalat for settlement.

Both the cases were settled upon the payment of ₹ 45,000/-

in each case by the petitioner to the respondent-complainant in full and final settlement of the claim. However, subsequently since the petitioner could not arrange ₹ 45,000/- each, resultantly, the parties had then agreed to settle the matter on payment of ₹ 30,000/- each instead of ₹ 45,000/-. Complainant had received ₹ 30,000/- each in both cases and sought that his complaints under Section 138 of the Negotiable Instruments Act, 1881 be dismissed as withdrawn. The statements of the respective counsel for the parties have been recorded to this effect.

The matter has been compromised between the parties. The settled amount of ₹ 30,000/- in each case has been paid to the complainant-respondent. The complainant sought that his complaints be dismissed as withdrawn. In background of the said facts, we allow the parties to compound the offence in both the cases. The natural corollary is that conviction and sentence, so recorded by the Trial Court and upheld by the Appellate Court to petitioner-Dharam Chand is set aside in both the cases and he stands acquitted of the charges against him.

The revision petitions stand disposed of accordingly in the aforesaid terms.

Copy of the order and statements be given to learned counsel/parties.

Copy of the order be placed on the file of connected case.

Copy of the order be also sent to the concerned authorities.

(R.S.Mongia)
President

(B.S. Sidhu)
Member