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CRIMINAL REVISION No. 4 of 2010

VIJAY KUMAR

V/S

KARAMJIT SINGH & ANOTHER

Present: Petitioner-in person

Respondent No.1-in person

Mr. H.S.Garcha, DAG Punjab

* * * *

The present revision is by petitioner-Vijay Kumar against his conviction and sentence awarded by Sub-Divisional Judicial Magistrate, Garhshankar dated 21.10.2008 and upheld by the Addl. Sessions Judge, Hoshiarpur vide judgment dated 11.11.2009.

The facts are that the petitioner had borrowed a sum of ₹ 55,000/- from complainant-Karamjit Singh. He had issued a cheque bearing No. 0784475 dated 20.8.2003 to the complainant to discharge his liability. The said cheque was dishonoured on 8.9.2003. Complainant-Karamjit Singh filed a complaint under section 138 of the Negotiable Instruments Act. The present petitioner was convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹ 5,000/- and in default of payment of fine to further undergo rigorous imprisonment for two months. He filed an appeal which was dismissed on 11.11.2009 by Addl. District Judge, Hoshiarpur.

The petitioner filed the present revision petition. The case has been referred to the Lok Adalat for settlement.

The parties have entered into settlement. Complainant-Karamjit Singh had made a statement that if the petitioner pays him a sum of ₹ 40,000/- in installments he would withdraw his complaint. Petitioner-Vijay Kumar had agreed to it.

It was settled that the petitioner shall pay the first installment of ₹ 20,000/- on 23.11.2016 and the balance ₹ 20,000/- on 10.1.2017.

In pursuance of the said settlement, the petitioner had paid ₹ 20,000/- on 23.11.2016 and remaining ₹ 20,000/- today itself. On having received the said amount complainant-Karamjit Singh has made a statement that he has received the settled amount of ₹ 40,000/-. There is no amount due towards petitioner-Vijay Kumar. He has no grievance against him and his complaint under Section 138 of the Negotiable Instruments Act be dismissed as withdrawn.

The matter has been compromised between the parties and the complainant has received the settled amount of ₹ 40,000/-. The offence is compoundable. According to the statement of complainant-Karamjit Singh, his complaint having been withdrawn, we allow the parties to compound the offence. The natural corollary is that conviction and sentence, so recorded by the Trial Court and upheld by the Appellate Court to petitioner-Vijay Kumar is set aside and he stands acquitted of the charges against him.

The revision petition stands disposed of accordingly in the aforestated terms.

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

(R.S.Mongia)
President

(Arvind Kumar)
Member

10.01.2017
Janki