

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 2978-2011(O&M)

Date of decision: 08.11.2017

Ajay Chawla

.....Petitioner

versus

Sarban Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.P.S.Khurana, Advocate for the petitioner
None for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Counsel for the respondent has not appeared despite being notified.

Petitioner was acquitted by learned Sub Divisional Judicial Magistrate, Gidderbaha vide judgment dated 4.8.2010. However, in appeal, after reversing the judgment of acquittal, learned Additional Sessions Judge, Sri Muktsar Sahib convicted the petitioner under Section 138 of Negotiable Instruments Act, 1881 and sentenced him to undergo Rigorous Imprisonment for one year and fine of Rs.5000/-, in default of payment of fine, to further undergo Rigorous Imprisonment for one month vide judgment of conviction and order of sentence dated 21.11.2011.

It comes out that a cheque for Rs.65,000/-, issued by the accused petitioner in favour of the complainant Sarban Singh and his son Yadwinder Singh, on presentation, bounced. It further comes out that the

parties have compromised and a compromise was placed on file as Annexure P7, in which Yadwinder Singh has stated that his father has died and that they have settled the controversy for Rs.65,000/-. Parties have no objection if the present petitioner is acquitted of the notice of accusation served upon him. Vide order dated 30.11.2011, passed by this Court, draft for Rs.65,000/- was ordered to be deposited with the trial Court. In view of the compromise between the parties, the petitioner stands acquitted of the notice of accusation served upon him. Judgment of conviction and order of sentence passed by learned Additional Sessions Judge, Sri Muktsar dated 21.11.2011 is set aside. Draft amounting to Rs.65,000/- lying deposited with the trial Court is ordered to be released in favour of Yadwinder Singh.

Revision is accordingly disposed of.

08.11.2017

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No