

Hotel Him View and anr. Vs. State of Punjab and anr.

Present: Budh Ram – petitioner in person with Mr.K.S.Brar, Advocate.

Ms.Ambika Sood, DAG, Punjab for respondent No.1.

Ravinder Pal Ohri – respondent No.2 in person with
Mr.Sandeep Chopra, Advocate.

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Power of Attorney on behalf of the petitioners has been filed today by Mr.Karanjeet Singh Brar, Advocate.

Present revision petition has been filed by the accused/petitioner against the judgment of conviction and the order of sentence dated 27.11.2008 passed by the Court of learned Judicial Magistrate Ist Class, Ferozepur, convicting the petitioner under Section 138 of the Negotiable Instruments Act and sentencing him to undergo simple imprisonment for a period of one year and to pay fine of ₹5,000/- and in default of payment of fine, he will have to further undergo simple imprisonment for one month, which conviction and sentence was confirmed in appeal by learned Additional Sessions Judge, Ferozepur, vide judgment dated 10.12.2011. Aggrieved by the judgments of the Courts below, the petitioner has come up in revision.

It has been stated by the parties that the present dispute has been settled, in which regard, statements of the parties have been recorded. It has been stated by the petitioner that compromise, Annexure A-1, was entered between them and that he has already deposited Demand Draft No.337482 dated 17.12.2011 for ₹51,636/- in the Registry of this Court and that the same be ordered to be given to respondent No.2. He has further stated that he will also get the aforesaid draft revalidated if so demanded by the Bank and that hence, the petition be accepted and the impugned orders passed by learned Judicial Magistrate Ist Class, Ferozepur dated 27.11.2008

and learned Additional Sessions Judge, Ferozepur dated 10.12.2011 be set aside and he be acquitted. It has been stated by respondent No.2 that he has compromised with the petitioner and that copy of compromise, Annexure A-1, was already filed in the Hon'ble High Court and that as per compromise, he has to receive ₹51,636/- from the petitioners, which was already deposited by the petitioner vide Demand Draft No.337482 dated 17.12.2011 in the Hon'ble High Court as is clear from the order of the Hon'ble High Court dated 20.12.2011. He has further stated that the said draft be ordered to be handed over to him and that he has no other claim against the petitioners and that his claim has been fully satisfied and that hence, he has no objection if the present petition is accepted and the impugned orders passed by learned Judicial Magistrate Ist Class, Ferozepur dated 27.11.2008 and learned Additional Sessions Judge, Ferozepur dated 10.12.2011 are set aside and the petitioner is acquitted of the offence.

In view of the statements of the parties, the present revision petition is accepted and the impugned judgments of conviction and sentence passed by the Courts below are set aside and the petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

Registry is directed to hand over the aforesaid Demand Draft to respondent No.2, who will get the same encashed from the Bank. In case revalidation is required, petitioner has undertaken to get the same revalidated.

(R.K.Nehru)
President

21.04.2017

P.Seth

(Ram Chand Gupta)
Member