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CRIMINAL REVISION NO. 1661 OF 2015

**DAVINDER KUMAR NARANG V/S STATE OF PUNJAB
& ANOTHER**

Present: Petitioner-in person
Ms. Neetu Sharma, wife of complainant with
Mr. Kunal Mulwani, Advocate for respondent No.2.
Ms. Sonu Chahal, Sr. DAG, Punjab

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The present revision petition is by petitioner-Davinder Kumar Narang against his conviction and sentence under Section 138 of the Negotiable Instruments Act.

The facts are that he was convicted under Section 138 of the Negotiable Instruments Act in a complaint filed by Sohan Lal qua dishonouring of cheque No. 3534731 dated 10.11.2008 of ₹ 5,00,000/-. Accordingly, he was sentenced to under rigorous imprisonment for a period of one year and to pay a fine to the tune of ₹ 10,000/- out of which ₹ 5,000/- shall be paid to the complainant as compensation vide judgment dated 13.3.2014 passed by Addl. Chief Judicial Magistrate.

The present petitioner filed an appeal. Meanwhile, Sohan Lal-complainant expired. His wife Neeru Sharma also filed cross-appeal seeking compensation of ₹ 5,00,000/- i.e. the cheque amount apart from the awarded sentence. Learned Addl. Sessions Judge, Ferozepur vide judgment dated 13.4.2015 dismissed the appeal filed by the present petitioner and allowed the cross-appeal of Neetu Sharma (w/o complainant-Sohan Lal).

The petitioner has preferred the present revision petition. The matter has been referred to the Lok Adalat for settlement.

The matter has been settled. Neetu Sharma w/o complainant-Sohan Lal (since deceased) has stated that she was impleaded as respondent

in place of her husband after his death. Now during the pendency of the present revision petition, the matter has been settled with Davinder Kumar Narang. She has received the entire amount. No amount is due towards the petitioner and in this situation, complaint filed by her husband-Sh. Sohan Lal (since deceased) be dismissed as withdrawn and appropriate orders may be passed. Petitioner-Davinder Kumar Narang has also made a statement to this effect endorsing the settlement. He stated that the entire payment has been made and no amount is left towards the respondent-complainant.

We have noticed the facts. The matter has been compromised between the parties. The amount has been paid to the complainant as stated by Neeru Sharma. Now the complainant sought that their complaint be dismissed as withdrawn. In background of the said facts, 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 while allowing the cross-appeal by the complainant, as referred to above, is set aside and the petitioner stands acquitted of the charges against him. The fine, if paid, be refunded to him.

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

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

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

(R.S.Mongia)
President

(Arvind Kumar)
Member

03.07.2017