

501

CRR No. 1082 of 2016

JOGINDER SINGH VS. STATE OF PUNJAB & OTHERS

Present: Petitioner-in person with
Mr. Naresh Kaushik, Advocate

Mr. Rishav Jain, Advocate
for respondents No. 2 & 3.

Mr. Avikash Singla, Addl. P.P. for State of Punjab

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The present revision petition is by Joginder Singh against the 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 M/s Kandhari Tours and Travels through its Managing Partner Gurdev Singh qua dishonouring of cheque No.231881 dated 20.04.2010 of ₹ 1,25,000/- and the another cheque No.231882 dated 24.04.2010 of ₹ 1,00,000/- and was sentenced to undergo rigorous imprisonment for a period of six months and compensation equivalent to the cheque amount, vide judgment dated 27.01.2014 passed by JMJC, Patiala. The appeal filed by the petitioner against the said judgment was dismissed on 4.3.2016 by the Additional Sessions Judge, Patiala.

The petitioner has preferred the present revision petition.

During the pendency of this revision petition he deposited an amount of ₹ 2,25,000/- in favour of the complainant by way of bank draft. He was granted bail vide order dated 12.4.2016.

The matter has been referred to the Lok Adalat for settlement.

The matter has been settled.

Petitioner-Joginder Singh had made a statement that he had already returned the cheque amount of ₹ 2,25,000/- which was deposited in the Hon'ble High Court and the same was handed over to the complainant. In addition, he undertook to pay a sum of ₹ 50,000/- towards full and final payment of interest, cost and compensation, within a period of three months i.e. on or before 15.07.2017. Mr. Harwinder Singh, appearing for his son Gurdev Singh, M/s Kandhari Tours and Travels stated that he had been authorized to make a statement and settle the dispute on his behalf. He has heard the statement made by Joginder Singh. He has been authorized by his son to accept the same. Let on payment of ₹ 50,000/- made by Joginder Singh, towards full and final payment of interest, cost and compensation, within a period of three months i.e. on or before 15.07.2017, this case may be compounded.

The petitioner in response to the said settlement has brought today a draft of ₹ 50,000/- in favour of M/s Kandhari Tours and Travels which has been accepted by counsel for the complainant in pursuance of the said settlement, stating that the case be compounded as agreed.

The matter has since been compromised between the parties and the settled amount has been paid to the complainant. 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 to petitioner-Joginder Singh 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.

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

(Arvind Kumar)
President

(B.S. Sidhu)
Member

17.07.2017
Janki