

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.1771 of 2016 (O&M)
Date of decision : September 27, 2017**

Hans Raj **Petitioner**

Versus

State of Punjab and another **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Riffi Birla, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

Ms. Pushpinder Kaur, Advocate for respondent No.2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

The petitioner was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for six months and to pay a fine of ₹1,000/-, in default thereof to further undergo simple imprisonment for one month by the learned Judicial Magistrate 1st Class, Abohar, vide judgment of conviction and order of sentence dated 10.08.2015. The appeal filed against the said judgment and order was dismissed by the learned Addl. Sessions Judge, Fazilka, vide judgment dated 09.03.2016.

It comes out from the order dated 24.05.2016 passed by this Court that a compromise was effected between the parties and the entire cheque amount was paid to complainant-respondent No.2, which was affirmed by his counsel. Keeping in view the poor condition of the

petitioner, 15% of the cheque amount, which was to be deposited in terms

of the authority of Hon'ble the Supreme Court delivered in case of ***“Damodar S. Prabhu v Sayed Babalal H., 2010 (5) SCC 663*** by the petitioner was, reduced to 7.5% and he was directed to deposit the same with the Punjab State Legal Services Authority, Chandigarh on or before 08.07.2016. Subsequently, it comes out from the order dated 08.07.2016 that the said amount was deposited with the Legal Services Authority, in pursuant to the order dated 24.05.2016. The receipt of the same is Annexure A-2.

In this way, it is clear that the dispute has been amicably settled. As such, the judgment of conviction and order of sentence dated 10.08.2015 passed by the learned Judicial Magistrate 1st Class, Abhor and the judgment dated 09.03.2016 passed by the learned Addl. Sessions Judge, Fazilka are hereby set aside. The petitioner is acquitted of the notice of accusation served upon him. The bail bonds and the surety bonds of the petitioner stand discharged.

As such, the present revision petition is allowed.

(KULDIP SINGH)
JUDGE

September 27, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No