

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

CRR No. 2992 of 2015 (O&M)

Date of Decision: 15.09.2017

LOVELESH KUMAR

...Petitioner

VS.

STATE OF CHANDIGARH, U.T. AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Bipan Ghai, Senior Advocate,
 with Mr. Kanwarbir S. Sidhu, Advocate,
 for the petitioner.

 Mr. J.S. Toor, Additional Public Prosecutor,
 U.T., Chandigarh-respondent No. 1.

 Mr. Kanwaljit Singh, Senior Advocate,
 with Mr. Abhishek Bajaj, Advocate,
 for the complainants-respondents No. 2 and 3.

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?*

KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the judgement dated 23.07.2015 passed by the learned Additional Sessions Judge, Chandigarh affirming the judgment of conviction and order of sentence dated 03.06.2013 passed by the learned Judicial Magistrate, Ist Class, Chandigarh vide which the present petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year and to pay ₹12,00,000/- as compensation to the complainant-respondent within two months from the date of said judgment.

In the present revision filed before this Court, parties had amicably settled the dispute which is reflected in the order dated 27.04.2016 passed by this Court and the money was to be paid in terms of the said order.

Learned counsel for the respondent No. 2 and 3 on instructions from complainant-respondent No. 3-Sh. Amit Goyal, M.D., Sidhi Vinayak, Colonisers Private Ltd., who is present in person today, has stated that since the entire settled amount i.e. ₹10,50,000/- has been made, therefore, he withdraw the complaint filed under Section 138 of Negotiable Instruments Act, 1881 and that he has no objection if the petitioner is acquitted of the notice of accusations served upon him.

Since the compromise is at the stage of High Court, therefore, in terms of judgment of Hon'ble Supreme Court passed in "Damodar S. Prabhu vs. Sayed Babalal H." 2010 (5) SCC 663, the petitioner is directed to pay ₹10,000/- before the Legal Services Committee of this High Court and submit its receipt before the Registry of this Court within two weeks.

In view of the above and subject to submission of receipt of ₹10,000/- deposited with the Legal Services Committee of this High Court, the revision stands allowed. Consequently, the judgement dated 23.07.2015 passed by the learned Additional Sessions Judge, Chandigarh affirming the judgment of conviction and order of sentence dated 03.06.2013 passed by the learned Judicial Magistrate, Ist Class, Chandigarh are hereby set aside and the petitioner is acquitted of notice of accusation served upon him. The bail bonds and surety bonds of the petitioner stand discharged.

September 15, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

***Whether speaking / reasoned* :**

✓
Yes / No

***Whether Reportable* :**

✓
Yes / No