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**CRR-2256-2016**

**HAWA SINGH & OTHERS  
V/S  
THE FATEHABAD DISTRICT PRIMARY CO-OPERATIVE  
AGRICULTURE AND RURAL DEVELOPMENT BANK LIMITED &  
ANOTHER**

Present:     Petitioner No.1-in person

Mr. S.S.Sahu, Advocate with  
Mr. Rang Lal, Assistant Manager, Fatehabad District Primary  
Co-operative Agriculture And Rural Development Bank  
Limited-respondent No.1-Bank

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The present revision petition is by petitioners-Hawa Singh and others against the conviction and sentence under section 138 of the Negotiable Instruments Act.

The facts are that Hawa Singh, Soma and Amil Lal were convicted under Section 138 of the Negotiable Instruments Act, in a complaint filed by Fatehabad District Primary Co-operative Agriculture And Rural Development Bank Limited qua dishonouring of cheque No.503127 dated 25.05.2013 of ₹ 3,41,700/- and were sentenced to undergo simple imprisonment for a period of two years and to pay the cheque amount as compensation to the complainant and in default of payment of compensation, to further undergo simple imprisonment for six months with the direction that they pay the compensation to the complainant within one month vide judgment dated 17.3.2015 & order dated 19.3.2015 passed by Addl. Chief Judicial Magistrate, Fatehabad. The appeal filed by the petitioners against the said judgment was dismissed on 20.05.2016 by the Additional Sessions Judge-I, Fatehabad.

The petitioners preferred the present revision petition. They were ordererd to be released on bail subject to deposit of ₹ 1,50,000/-. The same is stated to have been deposited in the Trial Court.

The matter was referred to the Lok Adalat for settlement.

The matter has been settled. Hawa Singh, one of the petitioners who has been authorized by other petitioners namely Soma and Amil Lal stated that they have already deposited ₹ 1,50,000/- in the Trial Court vide orders of the Trial Court and now rest of the amount i.e. ₹ 1,91,700/- would be deposited within next 15 days as full and final settlement of the dispute and after the deposit appropriate orders be passed. Mr. Rang Lal, Assistant Manager, Fatehabad District Primary Co-operative Agriculture And Rural Development Bank Ltd. had also endorsed the settlement of payment of remaining amount of ₹ 1,91,700/- within next 15 days as full and final settlement of the dispute and no claim would be left against the present petitioners and he does not have any objection if the petitioners are acquitted on the basis of the present statement. Respective statements were recorded on 8.4.2017.

By virtue of the said settlement remaining amount of ₹ 1,91,700/- has been deposited by the petitioners on 15.5.2017.

The petitioners had an apprehension that there may be some blank cheques lying with the complainant-Bank which may not be used against then after the settlement. However, statement of Mr. Rang Lal, Assistant Manager, Fatehabad District Primary Co-operative Agriculture And Rural Development Bank Limited was again recorded who endorses the settlement and has undertaken that no blank cheques of the petitioners are lying with the Bank and the petitioners have a wrong apprehension and as

such, there is no question of using those cheques. He does not have any objection to the settlement since ₹ 1,91,700/- has also been paid.

We have perused the statement of the respective parties.

The matter has since been compromised between the parties, so far this case is concerned. Mr. Rang Lal, Assistant Manager in continuation of his earlier statement dated 8.4.2017 has also clarified that there are no blank cheques of the petitioners lying with them as there is no question of using those cheque

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 petitioners-Hawa Singh and others is set aside and they stand acquitted of the charges against them. ₹ 1,50,000/- already deposited with the Trial Court be also reimbursed to the respondent-complainant-Fatehabad District Primary Co-operative Agriculture And Rural Development Bank Limited.

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.

(Arvind Kumar)  
President

(Darshan Singh)  
Member

16.11.2017  
Janki