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CRR No. 3510 of 2015

JOGINDER SINGH

V/S

STATE OF PUNJAB AND ANR

Present: Petitioner-in person with
Mr. A.S.Mann, Advocate

Respondent No.2-in person

Mr. Anmol Sandhu, AAG Punjab

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The present revision petition is by petitioner-Joginder Singh against the conviction and sentence under section 138 of the Negotiable Instruments Act along with compensation under Section 357 Cr.P.C.

The facts are that he was convicted under Section 138 of the Negotiable Instruments Act, in a complaint filed by Karnail Singh qua dishonouring of cheque No.103408 of ₹ 3,00,000/- which was returned vide memo dated 21.05.2011 on account of 'insufficient funds'. He was accordingly, convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹ 3,000/- and in default in payment of fine to further undergo simple imprisonment for two months and to pay a compensation of ₹ 3,00,000/- vide judgment dated 9.5.2014 passed by Chief Judicial Magistrate, Fazilka. Appeal filed by the petitioner against the said judgment was dismissed so as revision filed by the complainant vide judgment dated 23.7.2015 passed by Addl. Sessions Judge, Fazilka.

The petitioner preferred the present revision petition.

During the pendency of the present revision petition the matter has been settled between the parties. Complainant-Karnail Singh has placed on record his affidavit endorsing the settlement and that the petitioner be

granted bail and his appeal be allowed and he be pardoned.

The matter has been referred to the Lok Adalat.

On the basis of the said settlement/affidavit of the complainant Karnail Singh, he himself is present and has made a statement that he has received the amount and no amount is due towards Joginder Singh. He has no grievance against him and the complaint against him be dismissed as withdrawn and he be acquitted and the appropriate orders be passed. He has also endorsed the above-stated affidavit.

We have noticed the facts of the case.

The matter has been compromised between the parties. The settled amount has been paid to the complainant. The complainant sought that his complaint be dismissed as withdrawn.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 to petitioner-Joginder Singh is set aside and he stands acquitted of the charges against him. Fine paid by him be treated as cost of proceedings.

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.

(S.K.Jain)
President

(Arvind Kumar)
Member

26.07.2017