

GURDIAL SINGH V/S STATE OF PUNJAB AND ANOTHER

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner

Ms. Ambika Sood, DAG Punjab

Mr. Anupam Singla, Advocate
for Respondent No.2-Avtar Singh

* * *

The present revision petition is by petitioner-Gurdial 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 Avtar Singh qua dishonouring of cheque No.110033 dated 27.03.2013 of ₹ 3,50,000/- and was sentenced to undergo rigorous imprisonment for a period of one year and to pay compensation equivalent to half of the cheque amount, vide judgment dated 07.04.2015 passed by JMIC, Patiala. The appeal filed by the petitioner against the said judgment was dismissed on 13.08.2015 by the Additional Sessions Judge, Patiala.

The petitioner has preferred the present revision petition. The matter has been referred to the Lok Adalat for settlement.

The matter has been settled. The respective statements had been made on 30.9.2016 by the petitioner as well as Jaswinder Singh s/o respondent-complainant Avtar Singh who has been authorized to make the statement on behalf of his father. Petitioner-Gurdial Singh stated that the settlement is for a sum of ₹ 1,80,000/- which is to be paid in three installments of ₹ 60,000/- each to be payable on 27.10.2016, 23.12.2016 and

01.03.2017. He had also given an undertaking to make the payment on the dates fixed and in case of default, his revision petition be dismissed and he will undergo the remaining sentence. The factum of settlement had been endorsed by Jaswinder Singh son of respondent-complainant Avtar Singh. He had also stated that on receipt of the settled amount, the complaint be dismissed as withdrawn as no further claim is left against the present petitioner in this case. The petitioner had already paid two installments on fixed dates. Today he has paid the last installment of ₹ 60,000/- by way of demand draft No. 887662 dated 27.02.2017 drawn on State Bank of Patiala.

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 The complainant sought that his complaint be dismissed as withdrawn.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-Gurdial 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.

(R.S.Mongia)
President

(Arvind Kumar)
Member

01.03.2017
Janki