

**Nachhatar Singh Vs. State Bank of India**

Present: Mr.Rajesh Bansal, Advocate,  
for the petitioner.

Ms.Avtar Kaur, Advocate,  
for the respondent - Bank

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Present revision petition has been filed by the accused/petitioner against the judgment of conviction and order dated 03.10.2011 passed by the Court of learned Special Judicial Magistrate Ist Class, Bathinda, convicting the petitioner under Section 138 of the Negotiable Instruments Act and sentencing him to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1,000/- and in default of payment of fine, to further undergo RI for one month more, which conviction and sentence was confirmed in appeal by learned Additional Sessions Judge, Bathinda, vide judgment dated 04.07.2012. Aggrieved by the judgments of the Courts below, the petitioner has come up in revision.

It has been stated by learned counsel for the parties that the parties have compromised, in which regard statements of learned counsel for the parties have been recorded. Learned counsel for the respondent - Bank has stated that pursuance to compromise, the entire cheque amount has been received by the respondent – Bank and that Mrs.Sangeeta Jindal, Branch Manager, State Bank of India, Sibian, Tehsil and District Bathinda has also given an affidavit in this regard, which is mark 'A' and that she has further authorized her to give statement on behalf of the respondent – Bank in this case. It has been further stated that in view of the compromise, the respondent – Bank does not want to proceed further against the petitioner in

this case and that the respondent - Bank is having no objection if the present revision petition is accepted and the impugned orders dated 03.10.2011 passed by learned Special Judicial Magistrate Ist Class, Bathinda in Complaint No.1194 dated 26.10.2010/RT No.984 dated 27.10.2010 under Section 138 of the Negotiable Instruments Act and dated 04.07.2012 passed by learned Addl. Sessions Judge, Bathinda in appeal are set aside and the petitioner is acquitted in this case.

In view of the statements of learned counsel for the parties, the present revision petition is accepted and the impugned judgments of conviction and sentence passed by the Courts below are set aside and the petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

**(R.K.Nehru)**  
**President**

**27.02.2017**

P.Seth

**(Ram Chand Gupta)**  
**Member**