

In the High Court of Punjab & Haryana at Chandigarh.

CRR-652-2015 (O&M)
Date of decision: 20.09.2017

Balraj Sharma

..... Petitioner.

VS.

Ashok Kumar and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Sandeep Kotla, Advocate
for the petitioner.

Mr. Puneet Bansal, Advocate
for respondent No.1.

Mr. Vikas Chopra, DAG, Haryana
for respondent no.2.

MAHABIR SINGH SINDHU,J. (ORAL)

Petitioner-Balraj Sharma, has filed the present revision petition against the impugned judgment dated 12.02.2015 passed by learned Additional Sessions Judge, Hisar, vide which his appeal against the judgment of conviction dated 21.08.2014 and order of sentence dated 25.08.2014 passed by learned Judicial Magistrate 1st Class, Hisar, has been dismissed.

The present case pertains to the conviction of the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') on account of dishonoured of cheque for an amount of ₹3 lacs due to “insufficient funds”.

When this revision came up for hearing on 13.08.2015, this Court passed the following order:-

“A sum of Rs.3 lacs has been paid by learned counsel for the petitioner to the respondent in the Court today itself.

Learned counsel for the petitioner states that compromise has been effected between the parties. He further states that interim bail may be granted to the petitioner and some time may be given to the parties for amicable settlement.

In view of the above, the petitioner is ordered to be released on interim bail subject to his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Hisar.”

Today, during the course of hearing, it has been stated by both the learned counsel for the parties that they have settled the issue finally outside the Court and ₹30,000/- over and above the amount of ₹3 lacs has been paid towards interest component to respondent No.1 and this fact is accepted by his counsel. It has also been submitted by both the counsel for the parties that the civil suit filed by respondent No.1 against the petitioner regarding recovery of cheque amount and other consequential relief shall be withdrawn at the earliest or preferably on the next date of hearing before the the learned Civil Court.

Parties have also decided to make joint request for acquittal of the petitioner in the present case.

Even before this Court, learned counsel for respondent No.1 has consented for the same and he has no objection in case the present revision petition is allowed and petitioner is acquitted of the charges.

Since the matter has been amicably settled by the parties

outside the Court and there is no grievance left by either of the parties, it will be in the interest of justice to allow the present petition and set aside the conviction of the petitioner.

Consequently, the petition is allowed and impugned judgments dated 12.02.2015 and 21.08.2014 passed by both the learned Courts below are set aside and the petitioner is acquitted of the charges under Section 138 of the Act.

In view of acquittal of the petitioner, the bail bonds executed in pursuance of the order dated 13.08.2015 shall stand cancelled and sureties be discharged.

**(MAHABIR SINGH SINDHU)
JUDGE**

20.09.2017
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No