

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRR No.17 of 2017 (O&M)

Date of decision:12.1.2017

Nand Lal

... Petitioner

versus

Sanjay Kumar Batra

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.C.K.Singla, Advocate,  
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

In this petition, the judgments of the learned Courts below, by which the petitioner-accused has been found guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and has been sentenced to undergo 1 years' imprisonment, have been impugned.

Along with the petition, an application seeking suspension of sentence (CRM No.372 of 2017), as also an application for compounding of the offence (CRM No.373 of 2017), have been filed.

Learned counsel for the petitioner submits that, as a matter of fact, the amount for which the cheque was issued, i.e. Rs.1,65,000/-, and a further sum of Rs.35,000/- (totalling Rs.2,00,000/-), has also been paid by the petitioner to the respondent-complainant.

Notice of motion.

Mr.Davinder Bir Singh, Advocate, accepts notice on behalf of the respondent, and has submitted his 'Vakalatnama'. He admits that the

matter has been settled between the parties, i.e. the petitioner and the respondent, and therefore, he has no objection to the compounding of the offence.

Respondent-complainant, Sanjay Kumar Batra, who is also present, identified by his counsel, has produced in Court his Aadhar Card, issued by the Unique Identification Authority of India. He endorses the submission made by his learned counsel.

In view of the fact that the offence is compoundable in terms of Section 147 of the Negotiable Instruments Act, 1881, and has been so compromised between the parties, the application for compounding the offence is allowed, and the orders of conviction and sentence of the petitioner are set aside.

His application for suspension has, therefore, been rendered infructuous.

Consequently, the petitioner is directed to be released from custody forthwith.

The petition is disposed of.

12.1.2017  
pk

**( AMOL RATTAN SINGH )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No