

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-1861-2017(O&M)

Date of decision:-11.10.2017

Jagtar Singh

...Petitioner

Versus

Asha Rani and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.P.K.S. Phoolka, Advocate
for the petitioner.

Mr.Davinder Kumar, Advocate
for respondent No.1.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

Complainant Asha Rani had brought the complaint under Section 138 of the Negotiable Instruments Act against Jagtar Singh accused on the allegations that the latter had issued a cheque in the sum of Rs.21,000/- drawn on Punjab National Bank, Branch Abohar in favour of the former on account of discharge of his financial liability giving assurance that the same would be encashed on its presentation but things went otherwise inasmuch as it was dishonoured when presented and complainant was informed accordingly vide memo dated 13.3.2013 having endorsement "no such account". The complainant served a statutory notice upon accused calling upon him to make payment of

cheque within 15 days but to no effect. Hence complaint was filed.

Accused was summoned. He faced trial and vide judgment dated 22.12.2014, he was convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/- and in default thereof, to further undergo rigorous imprisonment for six months.

Feeling aggrieved, the accused had filed an appeal against the said judgment/order, however, the same was dismissed by learned Additional Sessions Judge, Fazilka vide judgment dated 8.12.2016.

The accused/convict then approached this Court by way of filing the revision petition, notice of which was given to the respondents.

During the pendency of the revision petition, the parties have compromised the matter. The accused/convict is stated to have paid the entire cheque amount to the complainant to her satisfaction. The complainant had appeared in the Court and admitted that fact. An application CRM-31395 of 2017 has been filed seeking permission of the Court to compound the offence. The offence is compoundable. The revision-petitioner has deposited 15% of the cheque amount as composition fee in view of judgment of Hon'ble Supreme Court titled **Damodar S. Prabhu Versus Sayed Babalal H., 2010(2) R.C.R.(Criminal) 851.**

I have heard learned counsel for parties besides going through the record.

I find sufficient cause to accept CRM-31395-2017 and to

allow the parties to compound the offence. Accordingly doing so, the judgments passed by the Courts below are set aside by way of acceptance of the revision petition and petitioner/accused is acquitted of the charge framed against him.

Necessary intimation be sent to the quarter concerned.

11.10.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : **Yes/No**

Whether reportable : **Yes/No**