

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

CRR No.2007 of 2017 (O&M)

Date of decision: June 1, 2017.

Tej Pal

...Petitioner

Versus

Mohd. Arshad and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Mr. Rakesh Dhiman, Advocate
for the respondent No.1.

Mr. K.S. Aulakh, AAG, Punjab.

INDERJIT SINGH, J.

The present revision has been filed by petitioner-Tej Pal against respondent-Mohd. Arshad and another, challenging the impugned judgment of conviction and order of sentence dated 03.01.2015, passed by learned Judicial Magistrate Ist Class, Malerkotla, vide which petitioner-Tej Pal, was convicted and sentenced to undergo rigorous imprisonment for a period of one year under Section 138 of Negotiable Instruments Act and also challenging the judgment dated 06.01.2017, passed by learned Addl. Sessions Judge, Sangrur, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued in this case.

Mr. Rakesh Dhiman, Advocate has put in appearance on behalf of respondent No.1 and Mr. K.S.Aulakh, Asstt. Advocate General, Punjab, has put in appearance on behalf of the respondent-State.

I have heard learned counsel for the parties and have gone through the record.

Learned counsel for the petitioner states that matter has already been compromised between the parties with the intervention of the respectables. He further submits that 15% of the cheque amount has already been deposited with the High Court Legal Services Committee in compliance with order dated 25.05.2017, passed by this Court. He has also produced on record photocopy of receipt regarding depositing of said amount. Same is taken on record.

On the other hand, learned counsel for respondent No.1 submits that the matter has been settled fully and finally and he has no objection if the offence in this petition is compounded.

Heard.

In view of the compromise effected between the parties and in view of the fact that offence punishable under Section 138 of Negotiable Instruments Act, is compoundable, therefore, the judgment of conviction dated order of sentence dated 03.01.2015, passed by learned JMFC, Malerkotla, and judgment dated 06.01.2017 passed by learned First Appellate Court, Sangrur, are set aside in view of the lawful composition of the offence.

The petition is allowed accordingly and petitioner is acquitted of the charge framed against him and he be set at liberty forthwith, if his custody is not required in connection with any other case.

June 1, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE