

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

CRR No.2115 of 2017 (O&M)

Date of decision: December 5, 2017

Jagroop Singh

...Petitioner

Versus

Upkar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Vivek Sharma, Advocate
for the respondent.

INDERJIT SINGH, J.

The present revision has been filed by petitioner-Jagroop Singh against respondent-Upkar Singh, challenging the impugned judgment of conviction and order of sentence dated 10.01.2017 passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which petitioner-Jagroop Singh, was convicted and sentenced to undergo rigorous imprisonment for a period of one and half year and to pay fine of ₹ 5,000/- under Section 138 of Negotiable Instruments Act and also challenging the judgment dated 23.05.2017, passed by learned Addl. Sessions Judge, Ludhiana, vide which appeal filed by petitioner was dismissed with modification in sentence from one and half years to one year and further to pay compensation to the tune of ₹ 6,30,000/- besides adjustment of fine amount and other payment paid during the pendency of the appeal towards the said payment.

Notice of motion was issued in this case.

Mr. Vivek Sharma, Advocate has put in appearance on behalf

of the respondent.

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. He further submits that 15% of the cheque amount has already been deposited with the Punjab State Legal Services Authority in compliance with order passed by this Court, in view of law laid down by Hon'ble Supreme Court in Damodar S.Prabhu vs. Sayed Babala H.2010 (2) RCR (Criminal) 851.

On the other hand, learned counsel for the respondent 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 10.01.2017 passed by learned JMIC, Ludhiana, and judgment dated 23.05.2017, passed by learned First Appellate Court, Ludhiana, 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. He be set at liberty if his custody is not required in connection with any other case.

December 5, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No