

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

CRR No. 2118 of 2017 (O&M)

Date of decision: 28.11.2017

Baldev Singh

...Petitioner

Versus

Harwinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sudhir Mittal, Advocate
for the petitioner.

Mr. Amit Goyal, Advocate
for respondent No.1.

Mr. A.S.Gill, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction and order of sentence dated 04.08.2016 passed by Judicial Magistrate 1st Class, Bathinda, convicting the petitioner under Section 138 of the Negotiable Instruments Act and sentencing him to undergo 2 years rigorous imprisonment with fine of Rs.5,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of 30 days and the judgment dated 11.04.2017 passed by the Lower Appellate Court, dismissing the appeal filed by the petitioner.

The petitioner is in judicial lock up.

Vide order dated 28.09.2017, the matter was referred to Mediation and Conciliation Centre of this Court for exploring the possibility of amicable settlement between the parties.

Report of the Mediator dated 27.10.2017 has been received and as per this report, the matter has been settled between the parties and it is

agreed that the petitioner will pay an amount of Rs.40,000/- as a demand draft towards full and final settlement of the liability of the petitioner. A demand draft of Rs.40,000/- has been handed over to learned counsel for the complainant in Court today.

The learned State counsel has filed custody certificate dated 28.09.2017 of the petitioner and as per this custody certificate, he has already undergone 08 months and 02 days of actual sentence and is not involved in any other case.

Since the parties have amicably settled their dispute and have resolved the liability towards a cheque of Rs.2 lacs which is subject matter of the impugned judgment passed by the Courts below and the petitioner has paid an amount of Rs.40,000/- towards full and final settlement by way of a demand draft to the learned counsel for the complainant, this revision petition is allowed. The judgment of conviction and order of sentence dated 04.08.2016 is partly allowed, while upholding the conviction of the petitioner, the sentence of the petitioner of 2 years rigorous imprisonment awarded by the trial Court with fine of Rs.5000/- is reduced to already undergone by him i.e. 08 months and 2 days.

With the aforesaid modification, this revision petition is partly allowed. The petitioner shall be released from judicial custody forthwith if not involved in any other case. Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

28.11.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No