

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

CRR-2698-2017 (O&M)
Date of decision: - 3.10.2017

Bimal Ghuwalewala

.....Petitioner

versus

Ajay Goel

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Petitioner in person with
Mr. Hemant Bassi, Advocate for the petitioner.

Respondent in person with
Mr. D.K.Singal, Advocate for respondent.

ARVIND SINGH SANGWAN, J (ORAL)

Challenge in the present revision petition is to the judgment of conviction and order of sentence dated 10.6.2015 passed by learned Chief Judicial Magistrate, Pathankot, sentencing the petitioner-accused to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹ 5,000/-, in default thereof to further undergo rigorous imprisonment for a period of one month under Section 138 of the Negotiable Instruments Act 1881 (for short 'the Act') as well as judgment dated 20.7.2016 passed by the lower Appellate Court dismissing the appeal filed by the petitioner.

Vide order dated 21.9.2017, it was mutually agreed between the parties that petitioner shall pay the total amount of ₹ 13.00 lacs to respondent-complainant towards full and final settlement of the cheque in dispute.

Statement of the respondent-complainant has been recorded in the Court today itself and it has been stated by respondent-complainant that he has received the entire amount against the cheque in dispute i.e. Cheque No. 131442

dated 15.9.2011, amounting to ₹ 9.00 lacs drawn on State Bank of Mysore. He has further stated that he has no objection if the present revision petition is allowed and the petitioner is acquitted of all the charges.

In view of mutual settlement arrived at between the parties and in view of the fact that petitioner has paid the entire amount to respondent-complainant, present revision petition is allowed and judgment of conviction and order of sentence dated 10.6.2015 passed by learned trial Court as well as judgment dated 20.7.2016 passed by the lower Appellate Court dismissing the appeal filed by the petitioner are hereby set aside.

Petitioner is acquitted of the charge under Section 138 of the Act.

(ARVIND SINGH SANGWAN)
JUDGE

3.10.2017
preeti

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No