

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

CRR No.280 of 2017 (O&M)

Date of Decision: 14.02.2017.

Rajender Singh

... Petitioner

Versus

Punjab National Bank

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Charanjiv Singh Pasricha, Advocate,
for the respondent-Bank.

JITENDRA CHAUHAN.J.(ORAL)

This revision is directed against the judgment dated 18.01.2016 and order dated 21.01.2016 passed by Sub Divisional Judicial Magistrate, Siwani vide which the petitioner was convicted under Section 138 of Negotiable Instruments Act (for short “the Act”) and sentenced to undergo RI for two years and to pay fine of Rs.1000/- with default stipulation and; the judgment dated 02.11.2016 passed by Additional Sessions Judge, Bhiwani vide which the appeal filed by the petitioner has been dismissed.

Learned counsel for the petitioner refers to Annexure A-1 to contend that the settlement has been reached between the parties and the entire payment has been made to the respondent-Bank.

Learned counsel for the respondent-Bank states that the petitioner has paid the entire amount, the Bank has issued 'No Due

Certificate' and it has no objection in case the offence is compounded.

In view of the fact that the entire cheque payment has been made to the respondent-Bank and the offence punishable under Section 138 of the Act is compoundable in nature, the present petition is allowed. The impugned judgments and order are set aside. The accused is acquitted of the charge on the basis of composition of offence. The petitioner is stated to be in custody. He be released forthwith, if not required in any other case.

14.02.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No