

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

**CRM No.30507 of 2017 in/and
CRR No.3226 of 2017 (O&M)
Date of decision : October 07, 2017**

Satya Narain Thekadar

..... Petitioner

Versus

Surinder Godara and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Brijeshwar Singh Kanwar, Advocate for
Mr. Vinod S. Bhardwaj, Advocate for the petitioner.
Mr. Shubham Kaushik, Advocate for respondent No.1.
Mr. R.K. Makkad, DAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Custody certificate dated 06.10.2017 of the petitioner has been filed in the Court today and the same is taken on record.

Learned counsel for the petitioner has produced the original demand draft bearing No.767565, dated 06.10.2017, amounting to Rs.27,000/- in favour of High Court Legal Services Committee of this Court, being 15% of the cheque amount, in terms of the authority of Hon'ble the Supreme Court delivered in case of *“Damodar S. Prabhu v Sayed Babalal H., 2010 (5) SCC 663.*

Heard.

On the last date of hearing, learned counsel for the parties had stated that the matter has been compromised and the cheque amount has been paid to the complainant-respondent No.1. The said fact was affirmed by learned counsel for the complainant and stated that complainant-respondent No.1 has no objection, if the present revision petition is allowed

and the petitioner is acquitted of the notice of accusation served upon him.

Today, in terms of the last order, 15% of the cheque amount has been tendered by way of demand draft before this Court, payable to the Legal Services Committee of this Court. The same be deposited with the Legal Services Committee of this Court and the photocopy thereof be retained on file.

Since, the matter has been amicably settled between the parties, therefore, the judgment of conviction dated 17.09.2014 and order of sentence dated 19.09.2014 passed by learned Judicial Magistrate 1st Class, Hisar, convicting the petitioner for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to undergo rigorous imprisonment for 1 year and to pay compensation of the cheque amount i.e. ₹1,85,000/-, and the judgment dated 10.08.2017 passed by learned Additional Sessions Judge, Hisar, affirming the judgment of conviction and order of sentence passed by the trial court are hereby set aside. The petitioner stands acquitted of the notice of accusation served upon him.

As such, the present revision petition is allowed. The bail bonds and surety bonds of the petitioner stand discharged.

Learned Addl. Sessions Judge, Hisar has appeared in the Court today and submitted his explanation. The same is taken up separately and he has been advised, accordingly.

(KULDIP SINGH)
JUDGE

October 07, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No