

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

**CRR No.4223 of 2017 (O&M)
Date of decision : November 17, 2017**

Ramphal **Petitioner**

Versus

Ashish **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kulvir Narwal, Advocate for the petitioner.

Mr. Amit Sheoran, Advocate for the complainant-respondent.

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)

Heard.

Petitioner along with co-accused was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹250/-, in default thereof to further undergo simple imprisonment for two days and also to pay compensation of ₹65,000/- by the learned Presiding Officer, Evening Court, Judicial Magistrate 1st Class, Sonapat, vide judgment of conviction dated 19.12.2014 and order of sentence dated 24.12.2014. The appeal filed by the petitioner along with co-accused was dismissed by the learned Addl. Sessions Judge, Sonapat, vide judgment dated 28.09.2016.

On the last date of hearing, learned counsel for the complainant-respondent had stated that the complainant-respondent has received the entire cheque amount along with compensation and he has no

objection, if the judgments of both the courts below are set aside.

Today office has reported that the litigation cost of ₹7,050/- i.e. 15% of the cheque amount, in terms of the authority of the Apex Court delivered in “*Damodar S. Prabhu v Sayed Babalal H., 2010 (5) SCC 663*,” has been deposited with the Legal Services Committee of this Court.

Keeping in view the fact that the offence under Section 138 of the Negotiable Instruments Act, 1881 has been lawfully compounded and the litigation costs has also been deposited with the Legal Services Committee of this Court, the judgment of conviction dated 19.12.2014 and order of sentence dated 24.12.2014 passed by the learned Presiding Officer, Evening Court, Judicial Magistrate 1st Class, Sonapat, as well as the judgment dated 28.09.2016 passed by learned Addl. Sessions Judge, Sonapat, are hereby set aside. The petitioner is acquitted of the notice of accusation served upon him.

Since the petitioner is in custody, he be released forthwith, if not required in any other case.

As such, the present revision petition is allowed.

(KULDIP SINGH)
JUDGE

November 17, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No