

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

Crl. Revision No.3962 of 2015

Date of Decision: 07.02.2018

Sapana

..... Petitioner

Vs.

State of U.T., Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ravinder Rana, Advocate for the petitioner.

Mr. Karan Vir Singh, Advocate for

Mr. J.S.Toor, Advocate for respondent No.1/UT, Chd.

Mr. J.P.Rana, Advocate for respondent No.2.

SUDHIR MITTAL, J. (Oral)

The challenge in this revision petition is to the judgment and order of sentence dated 03.09.2012, passed by JMIC, Chandigarh, whereby the petitioner has been sentenced to undergo simple imprisonment for one year for commission of offence under Section 138 of the Negotiable Instruments Act, 1881 as well as the judgment dated 01.04.2015, whereby appeal of the petitioner was dismissed by the Addl. Sessions Judge, Chandigarh.

Perusal of order dated 06.11.2015 shows that the parties have reached at a compromise and that the sentence of the petitioner has been suspended during the pendency of the revision petition.

The parties are *ad idem* that in fact there is compromise between them and that the settled amount has already been paid to the complainant.

In view of the fact that the grievance of the complainant stands satisfied and also that the offence is compoundable under Section 147 of the Act, this petition

is allowed; the judgment under revision as well as the judgment of conviction and order of sentence of the trial Court are set aside and the petitioner is hereby acquitted. She is also discharged from the bail and surety bonds furnished by her pursuant to the order dated 06.11.2015. However, in view of the judgment of Hon'ble Supreme Court in Criminal Appeal No.963 of 2010 (arising out of SLP (Criminal) No.6369 of 2007), decided on 03.05.2010 in case titled as '**Damodar S. Prabhu Versus Sayed Babalal H.**, this order is subject to deposit of fifteen percent of the cheque amount by way of cost in the State Legal Services Authority, Chandigarh within a period of ten days from the date of receipt of certified copy of this order.

February 07, 2018

Gagan

(SUDHIR MITTAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>