

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

Hemlata
2018.03.22 11:43
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CRR-3984-2016(O&M)
Date of decision:19.03.2018

Manjit Singh

...Petitioner

Versus

Mahindra & Mahindra Financial Services Ltd.
and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Karandeep S. Sidhu, Advocate
 for the petitioner.

 Mr. Nitin Thatai, Advocate
 for respondent No.1.

 Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the judgment of conviction and order of sentence dated 14.01.2015 passed by the trial Court, vide which, the petitioner was held guilty of offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to undergo rigorous imprisonment for a period of one and a half years and to pay a fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month as well as the judgment dated 12.10.2016 passed by the Lower Appellate Court, vide which, the appeal filed by the petitioner was dismissed.

During pendency of the present revision petition, sentence of the petitioner was suspended vide order dated 05.12.2016 and thereafter, the petitioner and the respondent-complainant made a request that there is a possibility of amicable settlement and the matter was referred to Mediation and Conciliation Centre of this Court on 28.02.2018.

As per report submitted by the Mediator dated 06.03.2018, the petitioner has paid an amount of Rs.5,76,099/- alongwith interest of Rs.1,50,000/- as full and final payment as per an earlier settlement arrived at between the parties on 30.11.2016, all money has been paid and nothing is outstanding towards the petitioner and the respondent-company has no objection if all proceedings pending in this Court are decided in favour of the petitioner-accused. The settlement has been signed by one Vinay Guleria, Area Legal Manager, on behalf of respondent No.1-Company and the petitioner 's counsel on behalf of the petitioner.

Learned counsel for the petitioner, in view of the compromise between the parties, restricts his arguments, only with regard to the sentence awarded to the petitioner by the Courts below.

Considering the fact that the matter has been amicably settled between the parties and out of one year and six months of rigorous imprisonment awarded to the petitioner, he has already undergone 01 month and 28 days of actual sentence, as per custody certificate dated 28.02.2018. The sentence awarded to the petitioner vide impugned judgment of conviction and order of sentence dated 14.01.2015, is reduced to the sentence already undergone by him.

With the aforesaid modification, the present petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

19.03.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No