IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 1182 of 2017
Date of decision: 16.01.2018

BHUPINDER SINGH **...Petitioner**

Vs.

STATE OF PUNJAB AND ANOTHER **...Respondents**

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Mayur Kanwar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Suman Jain, Advocate for respondent No. 2.

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H.S. MADAAN, J.(ORAL)

A complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed by M/s Vee Kay Concast Pvt. Ltd., Village Kanganwal, Post office Jugiana, Tehsil and District Ludhiana against accused Bhupinder Singh, Director of M/s Inderjit Forgings Pvt. Ltd., D-131, Phase-V, Focal Point, Ludhiana vide judgment dated 05.08.2016, the accused-Bhupinder Singh was convicted and sentenced to undergo R.I. for 1½ years besides fine of ₹1,000/- and in default of payment of fine to undergo further R.I. 15 days.

Feeling aggrieved, the accused filed appeal against said judgment of conviction and order of sentence which was dismissed by Additional Sessions Judge, Ludhiana vide judgment dated 17.03.2017, inasmuch as the conviction of the accused was up-held. However, the sentence was modified as under:-

Under Section 138 Negotiable Instrument Act.	To undergo rigorous imprisonment of one and half year. The accused is also liable to pay compensation under Section 357(3) Cr.P.C., to the complainant of the cheque amount i.e. Rs. 60,00,000/-. (Rupees Sixty lacs only). The amount of compensation would be recoverable by the complainant as a fine as per Section 431 Cr.P.C. The amount of Rs. 1,000/- (Rs. One thousand only) already imposed as fine by the learned Trial Court will be adjusted towards the amount of compensation of Rs. 60,00,000/- (Rupees Sixty lacs only)

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Bhupinder Singh was taken into custody. Thereafter, the instant revision petition was filed and sentence of the petitioner was suspended during the pendency of the revision petition.

Now the matter has been compromised between the parties. Their statements have been recorded before the Judicial Magistrate Ist Class, Ludhiana in that regard and report has been sent by that Court along with statements of the parties. The prayer made is that in view of settlement arrived at between the parties, the revision petition be accepted and the impugned judgment of conviction and order of sentence be set-aside.

Resultantly, the accused is acquitted from all the charges framed against him, in view of Section 320(6) of Cr.P.C., which provides that a High Court or Court of Session acting in the exercise of its powers of revision under Section 401 may allow any person to compound any offence which such person is competent to compound under this Section.

In view of the compromise arrived at between the parties, and after allowing compounding of the offence, the revision petition is accepted. Resultantly, the impugned judgments dated 05.08.2016 and 17.03.2017 are set aside and accused is acquitted of the notice of accusation served upon him.

(H.S. MADAAN)
JUDGE

January 16, 2018
Poonam (II)

Whether speaking/reasoned: *Yes*

Whether reportable: *No*

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