

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

CRR-2630-2017(O&M)

Date of decision:-19.1.2018

Ram Niwas

...Petitioner

Versus

State of Haryana and another

...Respondents

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

Present: Mr.Vinod Bhardwaj, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

None for respondent No.2.

H.S. MADAAN, J.(ORAL)

Learned counsel for the revision petitioner states that 15% of the cheque amount has since been deposited. He has placed on file the original receipt in that regard.

On a complaint under Sections 138/142 of Negotiable Instruments Act and 420 IPC having been filed by complainant - Pawan Kumar against accused Ram Niwas, vide judgment dated 13.5.2016, the accused was convicted vide order dated 13.5.2016 for an offence under Section 138 of Negotiable Instruments Act and vide order dated 16.5.2016, he was sentenced to undergo simple imprisonment for a period of six months and to pay compensation of Rs.3 lakhs to the complainant under Section 357(3) Cr.P.C. and in default thereof, to further undergo

simple imprisonment for a period of five months.

The accused/convict had challenged the said order before the Court of Sessions. However, he was unsuccessful there inasmuch his appeal was dismissed by learned Sessions Judge, Kurukshetra vide judgment dated 26.7.2017. The accused/convict was taken into custody at that time. The accused/convict then preferred a revision petition before this Court. Complainant – respondent No.2 put in appearance. The matter had been compromised between the parties. The complainant – respondent No.2 through Sh.J.S. Saneta, Advocate had made a statement that the entire cheque amount has been received along with compensation and the complainant has no objection, if revisionist is acquitted of notice of accusation, served upon him. However, in terms of authority of the Apex Court in **Damodar S. Prabhu Versus Sayed Babalal H., 2010(5) SCC 663**, the revisionist was directed to deposit 15% of the cheque amount with the Legal Services Committee of this Court, as litigation costs. That amount has since been deposited.

Offence under Section 138 of Negotiable Instruments Act is compoundable. In view of Section 320 Cr.P.C., a High Court or Court of Sessions 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. Therefore, the parties are allowed to compound the offence.

Resultantly, this revision petition is allowed and judgments passed by the Courts below are set aside by way of acceptance of revision petition, as a result, petitioner is acquitted of the notice of accusation

served upon him.

Registrar (Judicial) of this Court is directed to release demand draft No.006217 dated 11.8.2017 for Rs.1,15,500/- of Axis Bank, in favour of complainant Pawan Kumar to the petitioner.

19.1.2018

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No