

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

1. CRR-2875-2017 (O&M)

M/s Shiv Tractor Company and another **...Petitioners**

Versus

M/s Shri Krishna Tractors and another **...Respondents**

2. CRR-2889-2017 (O&M)

M/s Shiv Tractor Company and another **...Petitioners**

Versus

M/s Shri Krishna Tractors and another **...Respondents**

Date of decision: 18.07.2018

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vipul Aggarwal, Advocate
for the petitioners in both cases.

Mr. Anurag Jain, Advocate
for respondent No. 1 in both cases.

Mr. Vikrant Pamboo, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two revision petitions.

CRR-2875-2017 has been filed with a prayer to set aside the judgment of conviction dated 22.04.2014 and order of sentence dated

24.04.2014, passed by the Judicial Magistrate First Class, Hisar, vide which, the petitioner Shiv Kumar, in the capacity of proprietor of M/s Shiv Tractor Company as well as in his individual capacity, was held guilty for commission of offence punishable under Section 138 of the Negotiable Instruments Act (*for short 'N.I. Act'*) and was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of ₹10,000/- and further to pay a compensation of ₹12,08,667/- as double of the amount of the cheque. Aggrieved against the judgment of conviction and order of sentence, the petitioner preferred an appeal before the Additional Sessions Judge, Hisar, however, his appeal too was dismissed, vide judgment dated 04.08.2017.

Similarly, CRR-2889-2017 has been filed by the same petitioner with a prayer to set aside the judgment of conviction dated 22.04.2014 and order of sentence dated 24.04.2014, passed by the Judicial Magistrate First Class, Hisar, vide which, the petitioner Shiv Kumar, in the capacity of proprietor of M/s Shiv Tractor Company as well as in his individual capacity, was held guilty for commission of offence punishable under Section 138 of the N.I. Act and was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of ₹10,000/- and further to pay a compensation of ₹2,85,668/- as double of the amount of the cheque. Aggrieved against the aforesaid judgment of conviction and order of sentence, the petitioner preferred an appeal before the Additional Sessions Judge, Hisar, however, his appeal too was dismissed, vide judgment dated 04.08.2017.

During the pendency of these petitions, the sentence of the

petitioner was suspended vide order dated 25.08.2017, passed in both the petitions, and thereafter, petitioner is on interim bail.

On 12.03.2018, the matter was referred to Mediation and Conciliation Centre of this Court as the parties submitted that they have compromised the matter.

Both the parties appeared before the Mediator and got recorded their statements regarding compromise. On the basis of the statement of the parties, a settlement/agreement dated 20.03.2018 has been reduced in writing and the same has been submitted by the Mediator before this Court. As per the said settlement/agreement, the petitioner has paid a sum of ₹21,00,000/- (Rupees Twenty One Lac), as against the total cheque amount, as full and final settlement of both the cases.

Learned counsel for the petitioner and learned counsel for respondent No. 1/complainant are *ad idem* that the matter stands compromised and the complainant has no objection if the offences are compounded in view of Section 147 of the N.I. Act.

Since the parties have compromised the matter; as per the settlement/agreement dated 20.03.2018, the entire amount has been paid to the complainant and the complainant has no objection in compounding the offences, these petitions are disposed of and the impugned judgment and order of sentence, passed by the trial Court, as well as the judgment, passed by the lower appellate Court dismissing the appeal of the petitioner, as notice above, are modified and the offences are compounded. The sentence awarded to the petitioner, in both cases, is reduced to the period already undergone by him i.e. 01 month and 24 days as per the custody certificate,

filed by learned State counsel.

Both the parties shall remain bound by the terms of the settlement/agreement dated 20.03.2018 arrived at between them.

July 18, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No