

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3752-2017 (O&M)
Date of decision: 18.09.2018

Ravinder Kumar

... Petitioner

Vs.

Telu Ram and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shashank Sharma, Advocate
for the petitioner.

Mr. Sarju Puri, Advocate
for respondent No.1.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction and order of sentence of even date i.e. 28.05.2015 passed by the trial Court, vide which the petitioner was held guilty of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I. Act') and was sentenced to undergo R.I. for a period of 01 year and 06 months and to pay compensation equivalent to the cheque amount i.e. Rs.3.00 lacs as well as the judgment dated 17.03.2016 passed by the appellate Court, vide which the appeal filed by the petitioner was dismissed.

On 10.10.2017, while issuing notice in the application for condonation of delay, it was recorded that the petitioner will bring a demand

draft of Rs.3.00 lacs on the next date of hearing i.e. 25.10.2017 and thereafter, on 20.11.2017, a demand draft of Rs.3.00 lacs was handed over to learned counsel for respondent No.1-complainant and the petitioner was released on interim bail subject to furnishing his bail/surety bonds to the satisfaction of the Chief Judicial Magistrate, SBS Nagar.

On willingness of the parties, the matter was referred to the Mediation and Conciliation Centre of this Court for exploring the possibility of some settlement. The Mediator has given an award dated 05.02.2018 and as per this award, it is agreed between the parties that over and above the cheque amount of Rs.3.00 lacs, which was already paid to respondent No.1-complainant, the petitioner will pay an additional amount of Rs.1.00 lac in two installments.

Learned counsel for the parties are ad idem that the aforesaid additional amount of Rs.1.00 lacs has already been paid by the petitioner to the respondent-complainant.

Learned counsel for the petitioner thus prays that the offence may be compounded.

During the course of arguments, it transpired that the petitioner remained in custody from 26.07.2017 till 20.11.2017 i.e. approximately for a period of 04 months.

Since the parties have amicably settled their dispute and the petitioner has already cleared the cheque amount i.e. Rs.3.00 lacs including the additional amount of Rs.1.00 lac and the Mediator, who has given an award dated 05.02.2018, has recorded its satisfaction that the settlement between the parties is voluntarily and both the parties shall remain bound by the terms and

conditions of the same.

In view of the above, instant revision petition is allowed. Offence punishable under Section 138 of the N.I. Act is compounded under Section 142 of the N.I. Act and the sentence awarded by the trial Court i.e. 01 year and 06 months is reduced to the period already undergone by the petitioner.

Since the petitioner is on bail, his bail/surety bonds also stand discharged.

With the aforesaid modifications, present revision petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

18.09.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No