

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRR-4281-2017 &
CRM-37300-2017**

Date of decision: 17.01.2018

Pawan Kumar

...PETITIONER

VERSUS

Harpreet Singh

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Mr. Arnav K. Sood, Advocate,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present revision petition has been filed by Pawan Kumar, who has been convicted and sentenced by the Judicial Magistrate, Ist Class, Amritsar vide judgment dated 15.05.2013 to undergo rigorous imprisonment for a period of two years and fine of Rs. 1,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of one month under Section 138 of the Negotiable Instruments Act, 1881. Appeal against the said judgment has been dismissed by the Additional Sessions Judge, Amritsar on 11.09.2017.

When the present revision petition was filed, an application under Section 147 of the Negotiable Instruments Act, 1881 read with Section 482 Cr. P.C. has been filed for compounding of offence in view of

the compromise entered into between the complainant and the petitioner dated 07.11.2017 (Annexure P-1).

On 21.11.2017, this Court, in the light of the judgment of the Hon'ble Supreme Court in **Damodar S. Prabhu v. Sayed Babalal H.**, 2010 (2) RCR (Criminal) 851, directed the applicant-petitioner to deposit 15% of the cheque amount with the Punjab State Legal Services Authority, which amount stands deposited by the petitioner on 05.12.2017, the original receipt whereof has been placed on record as Annexure P-3 along with the photocopy of the bankers cheque.

Counsel for the respondent has put in appearance and has categorically admitted the execution of the compromise dated 07.11.2017 as also the affidavit of the complainant, which has been placed on record as Annexure P-2.

In the light of the above, the present application is allowed. The offence of the petitioner committed by him under Section 138 of the Negotiable Instruments Act, 1881, is hereby compounded.

The present revision petition stands disposed of with a direction to the jail authorities to release the petitioner forthwith provided he is not required in any other case.

A copy of this order be sent to the Superintendent, Central Jail, Amritsar forthwith.

January 17, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No