

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

135

CRR-1279-2018 (O&M)

Date of Decision: April 06, 2018

Kamaldeep

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Mikhail Kad, Advocate
for the petitioner.

Sudhir Mittal, J. (Oral)

CRM-12751-2018

This is an application for condoning the delay of 437 days in filing the revision petition.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of respondent-State. Let two copies of complete paperbook be supplied to him during the course of the day. Mr. Mahipal S. Yadav, Advocate, puts in appearance on behalf of respondent No.2-complainant.

Parties are *ad idem* that the matter has been compromised. In this view of the matter, delay of 437 days in filing the revision petition is condoned.

Application stands disposed of.

CRM-12753-2018

Learned counsel for the applicant submits that the matter has been compromised between the parties vide compromise dated 13.05.2017 (Annexure P-1) and that respondent No.2-complainant has received the cheque amount of Rs.4 lac.

Learned counsel appearing on behalf of respondent No.2-complainant admitted that as per compromise (Annexure P1), the cheque amount has been received by the latter.

The impugned judgment dated 24.10.2016 was passed by learned Additional Sessions Judge, Sangrur in absence of the petitioner inasmuch as the latter remained absent on 24.10.2016 and subsequently got compromised the matter on 31.05.2017. Offence under section 138 of the Negotiable Instruments Act, 1881, is compoundable under Section 147 of the said Act, at revisional stage, however, subject to deposit of 15% of the cheque amount, as penalty, in view of the law laid down by Hon'ble the Supreme Court of India in “**Damodar S. Prabhu vs. Sayad Babalal(2010)5 S.C.C.663.**”

Accordingly, the application is allowed and permission to compound the offence is granted.

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In view of the composition of offence by the parties, subject to deposit of 15% of the cheque amount by the petitioner with the State Legal Service Authority, Chandigarh, within 30 days from today, the instant petition is allowed; the judgment of conviction and order of sentence passed by JMIC, Malerkotla and judgment, dated 24.10.2016, passed by Addiditional Sessions Judge, Sangrur are set aside and the petitioner stands acquitted.

On production of receipt by the petitioner as regards deposit of above said amount and on receipt of certified copy of this order, the Court of learned Convicting Magistrate, shall issue release warrant of the petitioner. forthwith.

April 06, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No