

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

**CRR-1355-2018 (O&M)
Decided on: 03.05.2018**

Ramesh Chand Aggarwal

.... Petitioner

Versus

Lalit Kumar

..... Respondent

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

Present: Mr. Aditya Jain, Advocate,
for the petitioner.

Mr. Nishita Bansal, Advocate,
for the respondent.

H.S. MADAAN, J (ORAL)

Complainant Lalit Kumar had filed a petition under Section 138 of the Negotiable Instruments Act (for short 'N.I. Act') against accused Ramesh Chand Aggarwal. He was accordingly summoned by Judicial Magistrate 1st Class, Faridabad and he put in appearance, notice of accusation for the said offence was served upon him, to which he pleaded not guilty.

2. After trial, he was convicted for an offence under Section 138 of the N.I. Act and sentenced to undergo rigorous imprisonment for a period of 6 months. In addition to that, it was directed that compensation amount of Rs.6 lacs be paid to complainant within one month from the passing of the order. In default of which, convict would further undergo simple imprisonment for a period of 3 months. This was so done vide judgment dated 07.06.2017 by the trial Magistrate.

3. Feeling aggrieved, the accused-convict preferred an appeal to Court of Sessions, learned Sessions Judge, Faridabad vide order dated 02.04.2018, dismissed the appeal maintaining the conviction as well as the sentence as awarded by the trial Magistrate. Appellant-accused was taken into custody.

4. Thereafter, the accused-convict approached this Court by way of filing the present revision petition, notice of which was given to the respondent. Respondent appeared through counsel, who admitted the factum of compromise between the parties. 15% of the cheque amount has been got deposited in terms of ratio of authority, ***Damodar S. Prabhu versus Sayed Babalal 2010(5) SCC 663.***

5. Today, complainant-Lalit Kumar is present in the Court as identified by his counsel, he concedes the fact of matter having been compromised between the parties stating that his claims stand satisfied and he has no objection, if the revision petition is accepted. Offence under Section 138 of the N.I. Act is compoundable. In terms of Section 320(6) Cr.P.C., this Court in exercise of its power of revision under Section 401 Cr.P.C. may allow any person to compound any offence which such person is competent to compound. In that way, the complainant is competent to compound the offence with petitioner-accused.

6. Under the circumstances, the revision petition is accepted and accused-petitioner is ordered to be acquitted of the notice of accusation served upon him. The petitioner – Ramesh Chand Aggarwal, who is stated to be in custody is ordered to be released forthwith, if his custody is not required in connection with any other case.

7. Necessary intimation be sent to the quarter concerned.

8. A copy of this order be given under signatures of Special Secretary of this Court.

(H.S. MADAAN)
JUDGE

03.05.2018

Dinesh Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No