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

CRR No.156 of 2018

Date of Decision: 26.02.2018

GAGANDEEP SINGH

.....Petitioner

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. R.S. Thind, D.A.G., Punjab.

Mr. Vansh Malhotra, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

This revision petition has been preferred by the petitioner against the conviction concurrently recorded by the Courts below in a complaint case under Section 138 of the Negotiable Instruments Act (hereinafter to be referred as 'the Act').

The conviction and sentence are sought to be compounded under Section 147 of the Act. Notice of motion was issued on the basis of compromise having been entered between the parties. On 18.01.2018, learned counsel showed

his readiness and willingness to deposit the requisite amount in terms of **Damodar S. Prabhu vs. Sayed Babalal, AIR 2010 (SC) 1097.**

Today, learned counsel for the petitioner has placed on record a copy of receipt vide which Draft No.152627 dated 22.02.2018 of UCO Bank in a sum of Rs.1,20,000/- has been deposited in State Legal Services Authority, Phagwara, Punjab. The same is taken on record.

Learned counsel for the petitioner submitted that the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 8 months under Section 138 of the Act. Now, both the parties have settled their dispute by way of effecting compromise. The amount has already been paid, including the amount of 15% of the cheque amount as per ratio laid down in **Damordar S. Prabhu's** case (supra).

Learned counsel further submitted that the revisional jurisdiction of the High Court in terms of Section 401 Cr.P.C. can be utilized to bring ends of justice between the parties. Such an exercise would also be in consonance with the spirit of Section 147 of the Act. Reference has been made to the ratio of **Kaushalya Devi Massand vs. Roop Kishore Khore, 2011(2) R.C.R. (Criminal) 298.**

Learned counsel for the complainant has admitted the

aforesaid facts.

In view of above, parties are allowed to compound the offences under Sections 147 of the Act. Consequently, impugned judgment of conviction and order of sentence dated 19.03.2016 passed by the Judicial Magistrate Ist Class, Phagwara and order dated 12.12.2017 passed by the Addl. Sessions Judge, Kapurthala are hereby set aside. Petition is allowed. Necessary consequences to follow.

February 26, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No