

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

CRR No.1648 of 2018 (O&M)

Date of decision: 14.05.2018

Sutluj Enterprises

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.K. Brinda, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. S.S. Kainth, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this revision petition is for setting-aside the judgment of conviction and order of sentence dated 26.10.2016 vide which the petitioner was convicted under Section 138 of the Negotiable Instruments Act (in short 'the NI Act') and sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.3,000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of 01 month as well as the judgment dated 05.04.2018 passed by the Lower Appellate Court, dismissing the appeal filed by the petitioner.

During the pendency of the revision petition, the matter was referred to the Mediation and Conciliation Centre of this Court for recording the statement of the complainant as it was stated that the matter has been compromised between the parties.

The Mediator has recorded the statement of Gurmeet

Singh/complainant who is identified by his counsel.

As per the statement, the complainant – Gurmeet Singh has stated that he had filed the present complaint on account of dishonour of a cheque for a sum of Rs.4,00,000/- and during the pendency of the proceedings, the petitioner – Sutluj Enterprises through its partner namely Jasbir Singh has paid the amount of Rs.4,00,000/- to respondent No.2 i.e. the cheque amount and thereafter, he has entered into a compromise dated 26.04.2018. It is further stated that the complainant has also filed an affidavit, which is on record and he has no objection, in case, on the basis of the compromise, the sentence awarded to the petitioner is reduced to the period already undergone by him by way of compounding the offence.

Since, the parties have compromised the matter and the cheque amount has already been paid by the petitioner to respondent No.2, this petition is disposed of subject to the condition that the petitioner will deposit 15% of the cheque amount with the trial Court in the light of judgment of the Hon'ble Supreme Court “**Damodar S. Prabhu vs Sayed Babalal H.**” 2010(5) SCC 663, within a period of 02 months from today failing which this petition shall be deemed to be dismissed without any further direction.

(ARVIND SINGH SANGWAN)
JUDGE

14.05.2018
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No