

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

CRR No. 1803 of 2018 (O&M)

Date of decision: 21.05.2018

Mangat Singh

...Petitioner

Versus

Joginder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Mr. L.S.Sidhu, Advocate
for respondent No.1.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction and order of sentence dated 05.05.2017 passed by the trial Court, vide which, the petitioner was held guilty of offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to undergo rigorous imprisonment for a period of one year as well as the judgment dated 03.05.2018, passed by the Lower Appellate Court, vide which the appeal filed by the petitioner was dismissed.

Learned counsel for the complainant has put in appearance at the motion stage and has submitted that the matter has been compromised between the parties and the entire amount of Rs.1,50,000/- has been paid to the complainant.

Accordingly, the case was referred to the Mediation and Conciliation Centre of this Court, in which, both the parties have settled their terms and conditions and made the statement.

As per award of the Mediator, respondent No.1-Joginder Singh /complainant has deposed that he has no objection, if the petitioner is granted suspension of sentence in the present case or the sentence awarded to the petitioner is reduced to the sentence already undergone by him.

In view of the settlement arrived at between the parties, the offence punishable under Section 138 of the Negotiable Instruments Act is compounded in view of the judgment **2017(4) R.C.R. (Criminal), 36, Smt. P. Chandrakala Vs. K. Narender & Another**, passed by the Hon'ble Supreme Court, wherein, it has been held that even in case of conviction, when the parties have settled the dispute, the offences can be compounded under Section 138 of the Negotiable Instruments Act.

Accordingly, the present revision petition is allowed while upholding the judgment of conviction and order of sentence dated 05.05.2017 as well as the judgment dated 03.05.2018 passed by Courts below, the sentence awarded to the petitioner is reduced to the sentence already undergone by him i.e for a period of 19 days. Since, the petitioner is in judicial custody, he shall be released forthwith, if he is not required in any other case.

(ARVIND SINGH SANGWAN)
JUDGE

21.05.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No