

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

**Criminal Revision No.311 of 2018 (O&M)
Date of Decision: 21.02.2018**

Balraj Kumar

.. Applicant/Petitioner

Vs.

State of Punjab and another

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Priyanshu Kamra, Advocate for applicant-petitioner.

...

Inderjit Singh, J.

CRM-3745-2018

This is an application for early hearing of application for suspension of sentence i.e. CRM-2910-2018.

Heard. Since main case is also fixed today, therefore, this application stands dismissed as infructuous.

CRR No.311-2018

The present revision petition has been filed by Petitioner-Balraj Kumar against respondents-State of Punjab and Om Parkash, challenging the impugned judgment of conviction and order of sentence dated 27.07.2016 passed by learned Judicial Magistrate 1st Class, Abohar, vide which he was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.500/-, in default of payment of fine to further undergo R.I. for one month under Section 138 of the Negotiable Instruments Act and also challenging the judgment dated 09.01.2018, passed by learned Addl. Sessions Judge, Fazilka, vide which

appeal filed by present revision petitioner was dismissed.

Notice of motion.

At this stage, Mr. Pankaj Garg, Advocate has appeared and filed power of attorney on behalf of respondent No.2. On the asking of Court, Mr. Rakeshinder Singh Sidhu, AAG, Punjab, accepts notice on behalf of respondent-State.

I have heard learned counsel for the parties and have gone through the record.

A criminal miscellaneous application bearing No.2911-2018 for compounding of offence has also been filed.

Learned counsel for respondent No.2 states that a compromise has already been effected between the parties and the matter has been settled fully and finally for a sum of ₹2,00,000/-, which respondent No.2 has received. Learned counsel for respondent No.2 states that he has no objection if the offence is compounded and accused-revision petitioner is acquitted.

As per order dated 02.02.2018 passed by this Court, 15% of the cheque amount was ordered to be deposited with the High Court Legal Services Committee, in view of law laid down by Hon'ble Supreme Court in Damodar S. Prabhu Vs. Sayed Babala H.2010 (2) RCR (Criminal) 851. The said amount stands deposited and the receipt regarding the same has been placed on the file.

Heard.

In view of the compromise effected between the parties and in view of the fact that offence punishable under Section 138 of the Negotiable Instruments Act, is compoundable, permission is granted to compound

offence. The judgment of conviction and order of sentence dated 27.07.2016 passed by learned Judicial Magistrate 1st Class, Abohar, and judgment dated 09.01.2018, passed by learned Addl. Sessions Judge, Fazilka, are set aside in view of the lawful composition of the offence.

This revision petition is accepted and the revision petitioner is acquitted of the charge framed against him. He be set at liberty if his custody is not required in any other case.

21.02.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No