

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 38 of 2018
Date of Decision: March 14, 2018

Adarsh Shankla

.....Petitioner

versus

Smriti Products Pvt. Ltd. and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sahil Goel, Advocate
for the petitioner

Mr. Neeraj Goel, Advocate
for respondent No. 1

Mr. Munish Sharma, AAG Haryana

Sudhir Mittal, J. (Oral)

This petition has been filed for setting aside judgment dated 03.06.2017 whereby appeal of the petitioner against judgment of conviction and order of sentence dated 06.02.2016 has been rejected.

Notice of motion was issued because the parties had compromised the matter. However, direction was issued to the petitioner to deposit 15% of the cheque amount with the High Court Legal Services Authority, Chandigarh, in view of the judgment of the Hon'ble Supreme Court in ***Damodar S. Prabhu vs. Sayed Babalal, 2010(5) SCC 663.***

The said direction has been complied with and 15% amount of the cheque has been deposited with the High Court Legal Services Authority Chandigarh. A photocopy of the receipt dated 12.03.2018 has been handed over in the Court today and the same is taken on record.

In view of the above, permission to compound the offence under Section 138 of the Negotiable Instruments Act, 1881 is, accordingly, granted to the parties under Section 147 of the said Act. Accordingly, instant revision petition is

allowed; judgment of the Appellate Court as well as judgment of conviction and order of sentence of the trial Magistrate are set aside and the petitioner is acquitted. The petitioner is also ordered to be discharged from the bail and surety bonds, so furnished by him before the Courts below.

March 14, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No