

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Revision No. 3855 of 2018

Date of Decision: 27.11.2018

Ram Sharn

... Petitioner(s)

Versus

Nishan Singh Cheema and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. R.S.Dhillon, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present revision petition is against the judgment dated 06.09.2018, passed by the learned Additional Sessions Judge, Fatehgarh Sahib, whereby judgment of conviction and order of sentence dated 06.09.2017, passed by the learned Judicial Magistrate Ist Class, Fatehgarh Sahib was upheld and petitioner was awarded sentence for a period of one year for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as “the Act”).

Notice of motion.

Mr. Hanvir Singh, Advocate, who is present in the Court, accepts notice on behalf of respondent No.1 and Mr. Surinder Pal Singh Tinna, Additional Advocate General, Punjab accepts notice on behalf of respondent No.2.

Learned counsel for the petitioner contended that after passing

of the judgment dated 06.09.2018, both the parties i.e. petitioner herein and respondent No.1-complainant have entered into written compromise, as per which, payment of Rs.55,000/- has already been made and the balance amount of Rs.35,000/- was to be paid within two months from the date of compromise and as a security, petitioner has already handed over the possession of motorcycle.

Learned counsel representing respondent No.1-complainant has affirmed the genuineness of the compromise.

In view of above facts that the offence alleged against the petitioner is under Section 138 of the Act and the same is compoundable with the permission of the Court at appellate stage even and now the parties have settled the dispute amicably, present revision petition is accepted. The judgment dated 06.09.2018, passed by the learned Additional Sessions Judge, Fatehgarh Sahib and the judgment of conviction and order of sentence dated 06.09.2017, passed by the learned Judicial Magistrate Ist Class, Fatehgarh Sahib are set aside. Petitioner be released from custody, if not required in any other case.

(Shekher Dhawan)
Judge

November 27, 2018
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No