

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

126

Criminal Revision No.903 of 2018 (O&M)
Date of Decision: March 15th, 2018

Kamaldeep

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mikhail Kad, Advocate
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM No.8570 of 2018

Prayer in this application is for condonation of delay of 402 days in filing the revision petition.

For the reasons mentioned in the application and in the light of the fact that the matter has been amicably resolved and settled between the parties, delay of 402 days in filing the present revision petition is condoned.

Application stands disposed of.

CRR No.903 of 2018 and CRM No.8572 of 2018

This revision petition is directed against the judgment dated 24.10.2016 passed by the Additional Sessions Judge, Sangrur, upholding the judgment of conviction and order of sentence dated 08.07.2015 passed by the Judicial Magistrate Ist Class, Malerkotla, whereby petitioner was convicted for offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and sentenced to undergo rigorous for a period of one year and to pay fine of ₹1,000/- and in default thereof, to further undergo rigorous imprisonment for a period of 15 days.

Counsel for the petitioner states that the petitioner has

surrendered before the concerned Court on 13.03.2018 but he has not received the order as yet.

Keeping in view the fact that the statement has been made by the counsel for the petitioner at the bar, the said statement is accepted.

Notice of motion.

Mr. Sunny K. Singla, Advocate, puts in appearance on behalf of contesting respondent No.2 and has filed memorandum of appearance on his behalf.

Application i.e. CRM No.8572 of 2018 has been filed under Section 482 read with Section 147 of Negotiable Instruments Act for compounding of the offence in complaint No.145 of 20.01.2014 preferred under Section 138 of the Negotiable Instruments Act, 1881, and for quashing of the consequential proceedings arising therefrom including the judgments passed by the Courts below in view of the compromise dated 13.05.2017 (Annexure P-1).

It is the contention of learned counsel for the petitioner that the petitioner was convicted and sentenced by judgment of conviction and order of sentence dated 08.07.2015 passed by the learned Judicial Magistrate Ist Class, Malerkotla, appeal against which preferred by the petitioner was dismissed by the learned Additional Sessions Judge, Sangrur, by judgment dated 24.10.2016. However, after the dismissal of the appeal, a compromise has been entered into between the parties on 13.05.2017 (Annexure P-1) and in the light of the said compromise, complainant-respondent No.2- Tara Singh has no objection in case the offence against the petitioner is compounded.

Counsel for complainant-respondent No.2-Tara Singh acknowledges the factum of compromise which has been entered into between the parties referred to above. He further states that the said respondent has no objection in case the present application is allowed for compounding of the offence in the light of the compromise as his claim stands fully satisfied and he does not want to pursue the complaint preferred by him against the petitioner.

In the light of the statement made by the counsel for the parties and keeping in view the fact that the matter has been amicably settled which is depicted in the compromise dated 13.05.2017 (Annexure P-1) and in view of provisions of Section 147 of the Negotiable Instruments Act and the law laid down by Supreme Court in *Vinay Devanna Nayak Versus Ryot Seva Sahakari Bank Limited 2008 (1) RCR (Criminal) 249*, the revisionist is entitled to acquittal.

Resultantly, the application as also the revision petition are accepted.

The offence for which the petitioner has been convicted and sentence stands compounded and as a consequence thereof, conviction and sentence of the petitioner as imposed by the Judicial Magistrate Ist Class, Malerkotla, by judgment of conviction and order of sentence dated 08.07.2015, which have been upheld by the learned Additional Sessions Judge, Sangrur, on 24.10.2016, are hereby set aside and the petitioner stands acquitted.

CRM No.8571 of 2018

In the light of the decision of the revision petition,

the present application has been rendered infructuous.

Disposed of as such.

March 15th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No