

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

127

CRR-905-2018 (O&M)
Date of Decision: 08.03.2018

Avtar Singh

...Petitioner

Versus

State of Haryana and anr.

...Respondents

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL.

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

SUDHIR MITTAL, J. (Oral)

Notice of motion.

Mr. Nishchal Mann, AAG, Haryana, accepts notice on behalf of respondent No. 1-State. Let two copies of the petition be supplied during the course of the day.

Mr. Rajesh Kapila, Advocate puts in appearance on behalf of respondent No. 2-complainant and filed power of attorney.

Learned counsel for the petitioner submits that the petitioner has been convicted of an offence under Section 138 of the Negotiable Instrument Act, 1881 and has been sentenced to rigorous imprisonment for one year and compensation of Rs. 2 lacs. His appeal has also been rejected. Thereafter, the parties have reached a compromise, a copy of which is on record as Annexure P1. As per the compromise, the cheque amount has already been paid and the same has been accepted by the complainant.

The above said factual submissions are admitted by learned

counsel appearing for respondent No. 2.

In view of the judgment of Hon'ble Supreme Court in 'Damodar S. Prabhu Vs. Sayed Babalal, (2010) 5 S.C.C. 663, offence under Section 138 of the Negotiable Instruments Act, 1881, is compoundable in a revision before the High Court under Section 147 of the Act subject to deposit of fifteen percent of the cheque amount, as composition fee.

In view of the above, subject to deposit of fifteen percent of the cheque amount i.e. Rs. 15,000/- by the petitioner with the Haryana State Legal Services Authority, the instant revision petition is allowed; impugned judgment/orders are set aside and the petitioner stands acquitted.

The petitioner shall produce receipt as regards deposit of above amount before the Court of the Convicting Magistrate, Yamuna Nagar at Jagadhari and only thereafter the latter shall issue his release warrant.

(SUDHIR MITTAL)
JUDGE

March 08, 2018

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No