

CRR-123-2019 (O&M)
Date of decision:13.09.2019

M/s Shiva International and another ...Petitioners

Versus

Balvir Singh Multani and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Narinder Pal Bhardwaj, Advocate
for the petitioner.

Mr. K.S.Kohli, Advocate
for the respondent No.1.

Mr. Y.S. Rathore, Addl. P.P.
For U.T./ Chandigarh/respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed seeking quashing of the Order dated 08.01.2019 passed by the Additional Sessions Judge, Chandigarh whereby the order dated 21.07.2017 passed by Judicial Magistrate 1st Class, Chandigarh, convicting and sentencing the petitioners under Section 138 of the Negotiable Instruments Act has been upheld.

Pursuant to the previous orders, the learned counsel for the petitioners has produced the draft dated 06.08.2019 bearing No. 587996 for an amount of Rs.11,000/- in the name of the complainant. The same is handed over to the counsel for the complainant.

Having received the draft, counsel for the complainant has submitted that he has the instructions to submit that the complainant agrees to compounding of the offence and he does not have any objection if the impugned orders are set aside.

In view of the above, let the petitioners' deposit an amount of Rs.10,000/- as compounding charges as per the earlier order dated 17.01.2019. The said charges be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh.

Learned counsel for the petitioners submits that the petitioners are ready to deposit the above said charges even today and seeks some time.

At this stage, counsel for the petitioners has produced the receipt No. B/8990 dated 13.09.2019, showing that the above said amount of Rs.10,000/- has been deposited by the petitioners with the Punjab and Haryana High Court Bar Association, Chandigarh. Accordingly, he has prayed for permission to compound the offence and for quashing of the impugned orders.

Section 147 of the Negotiable Instruments Act is specifically enacted by the legislature favouring compounding of the offences under the Negotiable Instruments Act. Not only this, the language of the section is pre-fixed with the non-obstante Clause against any prohibition contained in the Code of Criminal Procedure Code; qua compounding.

In view of the above, finding the prayer of the petitioners to be genuine and in view of the fact that the matter has been amicably settled between the parties, this Court finds that it would not be unjustified if the offence, for which the petitioners have been convicted, is permitted to be compounded.

Accordingly, the present revision petition is allowed. Necessary permission for compounding of offence under Section 138 of the Negotiable Instruments Act, for which the petitioners have been convicted and

sentenced by the trial Court, is granted. As a result of compounding, the judgment of conviction and order of sentence dated 21.07.2017, under Section 138 of the Negotiable Instruments Act, passed by JMIC, Chandigarh and the Appellate order dated 08.01.2019 passed by Additional Sessions Judge, Chandigarh, are set aside and the petitioners stand acquitted of the charge levelled against them.

(RAJBIR SEHRAWAT)
JUDGE

13.09.2019
Hemlata

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