

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

CRR No. 830 of 2019

Date of decision: 08.05.2019.

Mandeep Singh Chatha

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Talim Hussain, Advocate, for the petitioner.

Mr. Amit Mehta, DAG, Punjab, for respondent No. 1.

Ms. Amandeep Kaur, Advocate, for respondent No. 2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted under Section 138 of the Negotiable Instruments Act, 1881 ('Act' - for short) and has been sentenced to undergo rigorous imprisonment for a period of one year and pay a fine of ₹1,000/-.

Learned counsel for the petitioner contends that he does not challenge the conviction of the petitioner and would confine his prayer to the quantum of sentence only. The petitioner has undergone actual sentence of imprisonment for a period of one month and six days and the matter has been compromised with respondent No. 2 (complainant). He has paid an amount of ₹1,20,000/- towards full and final settlement of the dispute.

Learned counsel for respondent No. 2 states that the matter has indeed been compromised and respondent No. 2 has received the aforementioned amount in full and final settlement of the dispute.

I have heard learned counsel for the parties.

The petitioner has been convicted and sentenced under Section 138 of the Act. He has now paid the amount in terms of compromise arrived at between the parties. A copy of the compromise has been produced which is taken on record. The liability under the Act is civil in nature which has now been made a criminal offence. The Supreme Court in the case **Damodar S. Prabhu vs. Sayed Babalal H., (2010) 5 SCC 663**, held that in a case where the matter has been compromised, the offence under Section 138 of the Act can also be compounded under Section 147 of the Act.

In view of the above, the revision petition is partly allowed. The conviction of the petitioner for the commission of offence punishable under Section 138 of the Act is maintained while the sentence of imprisonment is reduced to the sentence already undergone by him.

(ANUPINDER SINGH GREWAL)
JUDGE

08.05.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No