

In the High Court of Punjab and Mahayana, at Chandigarh

Criminal Revision No. 1754 of 2017

Date of Decision: 19.12.2019

Sanjay Gupta

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. Anmol Malik, Assistant Advocate
General, Haryana for respondent No.1.

Mr. Rajesh Gupta, Advocate
for respondent No. 2.

Anil Kshetarpal, J.

Petitioner-Sanjay Gupta was tried and convicted under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.500/-. Appeal against the aforesaid judgment was also dismissed. The complainant had also filed an appeal before the Court of Sessions, but the same was dismissed.

On 22.09.2017, respondent No.2/complainant-Abhishek Jain filed an affidavit admitting settlement between the parties and receipt of ₹1,10,000/- in full and final settlement of the claim. Order dated 22.09.2017 is extracted as under:-

“CRM No. 15615 of 2017

Learned counsel for the applicant-petitioner has placed on record the affidavit of respondent No.2-complainant to the effect that a compromise has been effected between the parties and Rs.1,10,000/- have been paid by the applicant to the complainant as full and final settlement which the complainant has accepted.

Respondent No.2/complainant-Abhishek Jain is present in Court and identified by his counsel Mr. Rajiv Gupta, Advocate, who accepts the factum of compromise effected between the parties.

In the light of the fact that a compromise has been effected between the parties and out of the awarded sentence of 2 years under Section 138 of N.I.Act, the applicant-petitioner has already undergone incarceration for a period of about 6 months, which is not controverted at bar learned counsel for the complainant as well as by learned State counsel, who has placed on record the custody certificate to this effect.

Without feeling necessity to advert on to merits of the revision and the fact that the revision is not likely to mature for final hearing and disposal in the near future, sentence awarded to the applicant-petitioner is suspended during the pendency of the revision and he is ordered to be released o bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Karnal.

The application stands disposed of.

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*On request of learned counsel for the parties,
adjourned to 31.10.2017.”*

Learned counsel appearing for respondent No.2 admitted that fact and submitted that he has no objection if the offence is permitted to be compounded.

In view of the above, the offence is permitted to be compounded. Payment of ₹ 1,10,000/- stands already paid towards full and final settlement. Hence, the judgment of conviction and order of sentence shall cease to operate. As such, present criminal revision petition stands disposed of.

(Anil Kshetarpal)
Judge

December 19, 2019
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No