

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

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**CRR No.918 of 2017 (O&M).
Date of Decision: 10.09.2019.**

Ram Niwas

....Petitioner.

Versus

Kailash Chand

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rajneesh Chadwal, Advocate, for
Mr. J.P. Sharma, Advocate, for the petitioner.

Ms. Bhavna Grewal, Advocate, for the respondent.

Shekher Dhawan, J.

Present litigation was initiated at the instance of complainant-respondent Kailash Chand under Section 138 of the Negotiable Instruments Act (for short, 'the Act') and learned Judicial Magistrate Ist Class, Narnaul vide judgment of conviction dated 27.11.2013 and order of sentence dated 29.11.2013 had convicted and sentenced the petitioner-accused. The appeal preferred by the petitioner-accused against the said judgment of conviction and order of sentence was dismissed in default vide order dated 19.01.2017 and vide order dated 16.02.2017 the application for restoration of the appeal was also dismissed in default.

Learned counsel for both the parties contended that payment of the cheque amount has already been made as per settlement of the parties and the necessary permission to compound the offence be given and

29.11.2013 passed by learned Judicial Magistrate Ist Class, Narnaul as well as order dated 19.01.2017 passed by learned Additional Sessions Judge, Narnaul, whereby the appeal, preferred by the petitioner against the above said judgment of conviction and order of sentence was dismissed in default and order dated 16.02.2017 dismissing the application for restoration of the appeal in default, be set aside.

Taking into consideration all these facts that complaint under Section 138 of the Act was filed and conviction was recorded thereunder, and appeal against the said judgment of conviction and order of sentence was dismissed in default, but thereafter the matter has been settled amicably between the parties as per provisions of Section 147 of the Act lawfully rendering the present litigation futile, as such, the judgment of conviction dated 27.11.2013 and order of sentence dated 29.11.2013 passed by learned Judicial Magistrate Ist Class, Narnaul as well as order dated 19.01.2017 passed by learned Additional Sessions Judge, Narnaul, whereby the appeal, preferred by the petitioner against the above said judgment of conviction and order of sentence was dismissed in default and order dated 16.02.2017 dismissing the application for restoration of the appeal in default, stand set aside as the matter has been lawfully compounded. The petitioner is acquitted of the charge.

Accordingly, present revision petition stands disposed of.

(SHEKHER DHAWAN)
JUDGE

10.09.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No