

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

Sr. No.245

**CRR No.2814-2018
DECIDED ON: March 07, 2019**

PURAN SINGH

..PETITIONER

VERSUS

JAGTAR SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Krishan Kumar Thakur, Advocate, for the petitioner.

Mr. Pinky Bangarh, Advocate, for the respondent.

SUDHIR MITTAL, J. (ORAL)

The petitioner was convicted under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to above as 'the Act') vide judgment dated 21.10.2016 passed by the trial Court for dishonour of cheque of Rs.3 lacs. He was sentenced to undergo RI for a period of 02 years and to pay an amount of Rs.3.5 lacs as compensation. Vide judgment dated 14.05.2018, the appeal has been rejected.

Revision filed against the appellate order was dismissed vide order dated 27.08.2018 whereafter CRM-2901-2019 was filed for recalling the said order on the ground that the petitioner was willing to compound the offence. Accordingly, order dated 27.08.2018 was recalled and the revision was restored to its original number. The petitioner was however directed to pay 15% of the cheque amount with the High Court Legal Services

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Committee in view of the judgment of the Supreme Court in ***Damodar S. Prabhu vs. Sayed Baba Lal, (2010) 5 SCC 663.***

Office report dated 06.03.2019 indicates that 15% of the cheque amount i.e. Rs.45,000/- stand deposited with the High Court Legal Services Committee.

Learned counsel for the complainant submits that the cheque amount has been received by her client.

The petitioner is accordingly permitted to compound the offence.

Thus the revision petition is allowed; judgment of conviction and order of sentence dated 21.10.2016 passed by learned Judicial Magistrate 1st Class, Ferozepur as well as the judgment dated 14.05.2018 passed by learned Appellate Court, Ferozepur, are set aside and the petitioner stands acquitted. He be released from jail in case he is not required in any other case. Copy of this order be sent to the Court/Successor Court of the Convicting Magistrate for information and compliance.

March 07, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No