

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3187-2018 (O&M)
Date of decision: 31.01.2019

Rajesh @ Midha

... Petitioner

Vs.

Jaibir and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Momi, Advocate
for the petitioner.

Mr. Deepak Vashisth, Advocate
for respondent No.1.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction and order of sentence of even date i.e. 21.11.2017 passed by the trial Court, vide which the petitioner was held guilty of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I. Act') and was sentenced to undergo simple imprisonment for two years and to pay Rs.9.50 lacs as compensation within a period of one month and in default thereof, he would further undergo imprisonment for three months as well as the judgment dated 03.08.2018 passed by the Additional Sessions Judge, vide which the appeal filed by the petitioner was dismissed.

After filing of this petition, the parties have amicably entered into a

settlement with each other and therefore, the case was referred to the Mediation and Conciliation of this Court for recording statement of complainant-respondent No.1 Jaibir, who is present in the Court.

The Mediator has recorded statement of the complainant and as per the statement, he has settled the dispute with the petitioner as per the following terms and conditions: -

“(i) That both the parties have settled their dispute which arose as the cheque issued by the petitioner -Rajesh for an amount of Rs.9 lac (Rupees Nine Lac only) was bounced and so the above mentioned Rajesh was convicted by the trial Court vide judgment and order dated 21.11.2017.

(ii) That both the parties have settled their dispute while sitting with their friends and relatives and the whole amount of Rs.9 lac (Rupees Nine Lakh) has been settled between them.

(iii) That the complainant/respondent No.1 Jaibir states that he has no claim against the petitioner -Rajesh @ Midha and so as the above mentioned dispute is settled between them. He has no objection if the petitioner is granted the suspension of sentence and released on bail.

(iv) Both the parties have agreed that the present Criminal Revision may be disposed of above mentioned settlement.

(v) Both the parties have agreed that all the civil cases between them will be withdrawn, if any and criminal cases will get quashed, if any and the complainant will give no objection.”

Learned counsel for the petitioner has submitted that the petitioner is in custody since 03.08.2018 and as on today, he has undergone approximately 05 months of custody, out of total 02 years simple imprisonment awarded by the trial Court.

Since the matter in dispute has been amicably settled between the parties before the Mediation and Conciliation Centre of this Court, in view of judgment of the Hon'ble Supreme Court in **Sri Ashis Subba Vs. Manoj Kumar Agarwal and another, 2018 (1) RCR (Criminal) 971**, this revision petition is partly allowed, while upholding the conviction and the sentence awarded to the petitioner by the Courts below is modified to the extent that the same is reduced to the period already undergone by the petitioner.

Since the petitioner is in custody since 03.08.2018, he will be released forthwith, if he is not involved in any other case.

[ARVIND SINGH SANGWAN]
JUDGE

31.01.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No