

CRR-3345-2018 (O&M)

Date of decision: April 05, 2019

Balkaran Singh

....Petitioner

Versus

Shri Ram Transport Finance Co. Ltd. and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Anil Mehta, Advocate
for respondent No.1.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the petition is for setting aside the judgment of conviction dated 4.3.2016 vide which the petitioner was held guilty of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the order of sentence dated 4.3.2016 vide which he was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of seven days, as well as the judgment dated 4.9.2018 vide which the appeal filed by the petitioner was dismissed.

During the pendency of this present petition, a compromise was arrived at between the parties and the sentence of the petitioner was suspended on 12.10.2018 as the respondent-complainant issued 'No Objection Certificate'.

Today, the authorised representative of the respondent (Ms. Neha Bhateja) has appeared and the case was referred to the Mediation and Conciliation Centre of this Court for recording her statement.

The Mediator has recorded the statement in which it is stated that the Company has settled the dispute with the petitioner and he has repaid the entire settled amount to the respondent-Company. The Company has issued 'No Objection Certificate' in favour of the petitioner and the power of attorney in favour of the petitioner is also taken on record as Mark-X.

It has been held by Hon'ble the Supreme Court in Sri Ashis Subba Vs. Manoj Kumar Agarwal, 2018(1) R.C.R. (Criminal) 971 that if the parties have amicably settled their dispute, the conviction and sentence under Section 138 of the Negotiable Instruments Act, 1881 can be set aside.

In view of the same, the counsel for the respondent submits that he has no objection if the present petition is allowed and the impugned orders passed by the Courts below are set aside, by way of compounding the offence under Section 147 of the Negotiable Instruments Act, 1881.

In view of the same, the petition is allowed while upholding the judgment of conviction passed by the lower Court and the sentence awarded to the petitioner is reduced to the sentence already undergone by him.

The petition stands disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

April 05, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No