

Kailash Vs. State of Haryana and anr.

Present: Kailash – petitioner in person.

Mr.Jasbir Singh Thol, DAG, Haryana,
for respondent No.1.

Sh.Mahabir Singh, Branch Manager,
The Jhajjar District Primary Co operative Agricultural & Rural
Development Bank Ltd., Br. Matanhail – respondent No.2.

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Present revision petition has been filed by the accused/petitioner against the judgment of conviction dated 25.07.2016 and order of sentence dated 27.07.2016 passed by the Court of learned Addl. Chief Judicial Magistrate, Jhajjar, convicting the petitioner under Section 138 of the Negotiable Instruments Act and sentencing him to undergo imprisonment for a period of six months and in addition, to pay an amount of ₹1,99,000/- as compensation to the complainant within a period of two months, which conviction and sentence was confirmed in appeal by learned Additional Sessions Judge, Jhajjar, vide judgment dated 15.01.2018. Aggrieved by the judgments of the Courts below, the petitioner has come up in revision.

It has been stated by the parties that they have compromised. Statements of the parties have been recorded separately to this effect. It has been stated by the petitioner – Kailash that he has already deposited the entire amount, which was due to the bank and nothing remains due and that the present revision petition be accepted and he be acquitted of the offence under Section 138 of the Negotiable Instruments Act. It has been stated by Sh.Mahabir Singh, Branch Manager, The Jhajjar District Cooperative

respondent No.2 that the petitioner has already deposited the entire amount, which was due to the bank and that hence, bank is having no objection if the present petition is accepted and the impugned judgment of conviction dated 25.07.2016, order of sentence dated 27.07.2016 passed by learned Addl. Chief Judicial Magistrate, Jhajjar and impugned judgment dated 15.01.2018 passed by learned Addl. Sessions Judge, Jhajjar, are set aside and the petitioner is acquitted of the offence charged with. He has also placed on record copy of Statement of Accounts of the petitioner maintained in the bank, which is Mark 'X' and No Objection Certificate, dated 27.09.2019, which is Mark 'X/1' in this regard, which is also signed by him as authorized person being Branch Manager.

In view of the statements of the parties, the present revision petition is accepted and the impugned judgments of conviction and order of sentence passed by the Courts below are set aside and the petitioner is acquitted of the offence under Section 138 of the Negotiable Instruments Act.

(R.K.Nehru)
President

(Ram Chand Gupta)
Member

27.09.2019
P.Seth