

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

CRR-592-2018

Date of decision: July 04, 2019

Anil Kumar

....Petitioner

Versus

Bijender Yadav

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aditya Jain, Advocate
 for the petitioner.

 Mr. S.K. Tripathi, Advocate
 for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the instant revision petition is for setting aside the judgment of conviction dated 5.10.2016 as well as the order of sentence dated 6.10.2016 passed by the trial Court vide which the petitioner was held guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to undergo imprisonment for a period of six months and to pay compensation of Rs.3,50,000/- to the complainant on account of dishonouring of a cheque as well as the judgment dated 3.2.2018 passed by the appellate Court dismissing the appeal filed by the present petitioner.

Counsel for the petitioner submits that in pursuance of order dated 15.2.2018 and 27.2.2018, the petitioner has handed over the cheque amounting to Rs.3,50,000/- to the counsel for the respondent, which has been duly encashed. Counsel for the petitioner has further submitted that in view of the same, the matter stands amicable settled between the parties, therefore, the revision petition be allowed and the offence be compounded. Learned counsel has further submitted that the petitioner was taken into custody after the dismissal of his appeal by the lower appellate Court on 3.2.2018, and his sentence was suspended on 27.2.2018 and he remained in judicial custody for about 25 days.

Learned counsel appearing for the respondent has not disputed the factual position that the complainant has received the entire cheque amount and he has no grievance left with the petitioner and has no objection if the present revision petition is disposed of in view of the fact that the petitioner has paid the entire cheque amount to the respondent-complainant.

After hearing both the parties and considering the fact that the parties have amicably settled their dispute and no other litigation is pending between them, permission is granted to compound the offence under the provisions of Section 147 of the N.I. Act.

It has been held by Hon'ble Supreme Court in 2018 (1) R.C.R. (Criminal) 971, Sri Ashish Subba vs. Manoj Kumar Agarwal and another that when the parties have amicably settled their dispute, the sentence of the accused, under Section 138 of the N.I. Act, can be set aside.

The petitioner has undergone 25 days of sentence after dismissal of appeal by the lower appellate Court from 3.2.2018 to 27.2.2018 when his sentence was suspended by this Court.

Accordingly, this revision petition is partly allowed and judgment of conviction dated 5.10.2016 and order of sentence dated 6.10.2016, passed by the trial Court, as well as judgment dated 3.2.2018, passed by the lower appellate Court, are modified to the extent that the sentence awarded to the petitioner is reduced to sentence already undergone by him.

The revision petition stands disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

July 04, 2019
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No