

ASHOK KUMAR V/S STATE OF PUNJAB AND ANR

Present:- Mr. Gurpreet Singh, Advocate for
Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Lovepreet Handa, Advocate for respondent No.1.

The present revision petition is by petitioner-Ashok Kumar against the conviction and sentence under Section 138 of the Negotiable Instruments Act, 1881.

The facts are that he was convicted under Section 138 of the Negotiable Instruments Act, in a complaint filed by Vijay Kumar-complainant qua dishonouring of cheque No.689124 dated 10.09.2014 of Rs.3,00,000/- drawn on Punjab Gramin Bank, Branch Jalalabad (W) and was sentenced to undergo rigorous imprisonment of 1½ year along with fine of Rs.2,000/- and in default of payment of fine, he shall further undergo rigorous imprisonment for one month by JMIC 1st Class, Jalalabad (W) dated 20.07.2017. The appeal filed by the petitioner against the said judgment was dismissed on 04.01.2018 by the Additional Sessions Judge, Fazilka.

The petitioner has preferred the present revision petition. The matter has been referred to the Lok Adalat for settlement.

The matter has been settled and the parties had already filed a compromise deed as Annexure P-1 and affidavit of Vijay Kumar-complainant as Annexure P-2 relating to the said settlement to the effect that the complainant has already received the cheque amount and nothing is due towards the accused Ashok Kumar-petitioner and he has no objection if the accused stands discharged from the conviction and the parties would be

bound by the said compromise.

Both the parties are present and they have made a categorical statements endorsing the settlement. Vijay Kumar-complainant has stated that he has no objection if the accused is discharged/acquitted.

The matter has been compromised between the parties. The settled amount has been paid to the complainant as stated by him in the affidavit and his statement. In background of the said facts, we allow the parties to compound the offence. The natural corollary is that conviction and sentence, so recorded by the trial Court and upheld by the Appellate Court to petitioner-Ashok Kumar is set aside and he stands acquitted of the charges levelled against him.

The fine if paid by the petitioner be refunded to him.

Accordingly, the revision petition is disposed of in the afore-stated terms.

Copy of the order and statement be given to learned counsel/parties.

Copy of the order be also sent to the concerned authorities.

(J.C. Verma)
President

(Arvind Kumar)
Member

31.05.2019
Atul