

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

CRR No. 954 of 2018 (O&M)

Date of decision: - 10.12.2019

ARUN KUMAR GARG

...Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Lalit K. Gupta, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

Mr. Arav Gupta, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

The present revision petition has arisen out of the impugned judgment dated 16.02.2018 passed by the Additional Sessions Judge, Rohak, vide which the appeal filed by the petitioner was dismissed, challenging the judgment of conviction dated 09.01.2017 and order of quantum of sentence dated 11.01.2017, passed by the Judicial Magistrate 1st Class, Rohtak, in a case complaint under Section 138 of Negotiable Instruments Act, 1881.

Learned counsel for the petitioner states that the petitioner-

accused-Arun Kumar Garg was convicted vide judgment dated 09.01.2017 and order on quantum of sentence dated 11.01.2017 sentenced to undergo simple imprisonment for 6 months and to pay 50% of the cheque amount of Rs. 2 lacs as compensation to the complainant and in default thereof to undergo two months simple imprisonment. The appeal preferred by the petitioner-accused was dismissed vide order dated 16.02.2018. Before filing the revision petition, compromise has been effected between the parties on 01.03.2018 (Annexure P-1).

Hence, the present revision petition.

The petitioner preferred the application (CRM-14327-2019) for compounding of the offences and on 07.05.2019 this Court directed the petitioner to deposit Rs. 30,000/- i.e. 15% of the cheque amount of Rs. 2,00,000/- with the Registry of this Court.

In compliance thereof, the petitioner deposited Rs. 30,000/- on 18.07.2019.

Learned counsel for the petitioner prays that as per ratio of the judgment passed the Hon'ble Supreme Court of India in case '**Damodar S. Prabhu vs. Sayad Babalal H. 2010(2) RCR (Crl.) 851**', the offences are compoundable and has also relied upon the judgment dated 18.09.2013 passed by this Court in Criminal Revision No. 3275 of 2012 titled as '**Karam Chand Mittal Vs. Gian Chand and another**'.

In the present case, the charges has been framed and the petitioner has deposited Rs. 30,000/- i.e. 15% of the cheque amount.

In view of the compromise (Annexure P-1) effected between the parties and ratio in '***Damodar S. Prabhu(Supra)***, the offence is compounded and the petitioner is acquitted of the charge under Section 138 of Negotiable Instruments Act, 1881.

The revision petition is disposed of accordingly.

The amount of Rs. 30,000/- deposited by the petitioner with the Registry shall be released to the Poor Patient Welfare Fund (PPWF) of PGIMER Chandigarh.

(HARNARESH SINGH GILL)
JUDGE

10.12.2019
Mangal Singh

Whether reasoned/speaking?	Yes
Whether reportable?	No