

CRR-969-2018

VIJAY KUMAR V/S MANJIT SINGH

Present:- Mr. Vijay Kumar, petitioner in person along with
Mr. J.K. Khetarpal, Advocate

Mr. Manjit Singh, respondent-in-person along with
Mr. A.K. Sharma, Advocate

The present revision petition is filed by petitioner-Vijay Kumar against his 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 Manjit Singh-complainant qua dishonouring of cheque No.889748 dated 01.12.2013 of Rs.40,000/- drawn on State Bank of India, Punjab University, Chandigarh and was sentenced to undergo rigorous imprisonment of six months. The petitioner was also directed to pay compensation to the tune of Rs.40,000/- in terms of Section 357(3) Cr.P.C. to the complainant within a period of two months and in default of payment, he shall further undergo rigorous imprisonment for one month, by JMIC 1st Class, Chandigarh dated 22.07.2016. The appeal filed by the petitioner against the said judgment was dismissed on 22.02.2018 by the Additional Sessions Judge, Chandigarh.

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

The matter has been settled. The parties have given their respective statements to that effect. The complainant Manjit Singh has stated that Rs.40,000/- has already been deposited by the petitioner with the Registrar (Judicial) of the Hon'ble High Court at the time of grant of

interim bail to him. Today, Rs.25,000/-, by way of draft No.500798, dated 19.08.2019 has been given to him in full and final settlement of the case. He has no objection if the accused stands acquitted on the basis of settlement/compounding of offence and said payment thereof.

Petitioner-Vijay Kumar endorses the said settlement and the supports the compounding of the offence.

The matter has been compromised between the parties. The settled amount has been paid to the complainant as stated by him in 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-Vijay Kumar is set aside and he stands acquitted of the charges levelled against him.

Rs.40,000/- deposited with the Registrar (Judicial) of this Court be also released to the complainant.

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

19.08.2019
Atul