

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

299

CRR No.1596 of 2019(O&M)

DATE OF DECISION: 15.07.2019

Lakhwinder Singh

... Petitioner(s)

Versus

The Patiala Central Cooperative Agricultural Development Bank Ltd. and
another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Deepak Bhardwaj, Advocate for the petitioner.

Mr. N.S Vashist, Advocate for respondent No.1.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

CRM-20490-2019

This is an application for condonation of delay of 998 days in
preferring this revision petition.

Heard.

In view of the reasons stated in the application, the same is allowed
and delay of 998 days in preferring the revision petition is condoned.

Main case

The petitioner has challenged the orders of the trial Courts and the
Appellate Court, whereby he has been convicted under Section 138 of the
Negotiable Instruments Act, 1881 and sentenced to undergo rigorous
imprisonment for a period of one year and compensation of Rs. 1 lac.

Learned counsel for the petitioner contends that matter has been compromised and complainant has been received a sum of Rs. 8 lacs in full and final settlement on 14.06.2019. He also contends that the offence under Section 138 of the Negotiable Instruments Act, 1881 is compoundable even at this stage, he cites judgment of the Supreme Court in case of ***Damodar S. Prabhu vs. Sayed Babalal H., 2010(5) SCC 663.***

Learned counsel for the petitioner also contends that the financial condition of the petitioner is not sound, as he is a small land owner and owns only 2 acres of land and therefore, the cost be reduced to a reasonable amount.

Learned counsel appearing for the complainant states that the matter has been compromised with the petitioner and the complainant has received a sum of Rs. 8 lacs in full and final settlement. He has 'no objection' if the offence is compounded.

The petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881. As the dispute has been settled by the parties and a sum of Rs.8 lacs has been paid to the complainant in full and final settlement, it would be in the interest of justice, if the offence is compounded under Section 320(6) of the Cr.P.C. The liability under Section 138 of the Negotiable Instruments Act, 1881 is civil in nature and in case the parties have arrived at compromise, the same should be accepted to give quietus to the litigation.

Consequently, the petition is allowed and the judgments dated 12.04.2016 passed by the trial Court and dated 14.07.2016 passed by the Appellate Court, are set aside. The petitioner is acquitted of the charges.

The petitioner shall deposit Rs.15,000/- as costs with the Punjab Legal Services Authority within a period of one week.

15.07.2019

(ANUPINDER SINGH GREWAL)
JUDGE

rakesh

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No