

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1883 of 2019

Date of Decision: 16.12.2019

Jaskaran Singh @ Jassu

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amrik Singh, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

Mr. Pardeep Kumar, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (ORAL)

In this petition, by which the petitioner challenges his conviction by the learned courts below for the commission of an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, in fact subsequently the petitioner and the respondent complainant had entered into a compromise, in terms of which Rs.2,00,000/- are already stated to have been received by the complainant (as is not denied by learned counsel appearing for him), but with Rs.1,50,000/- to be still paid.

The only issue which was a hurdle in allowing the matter to be compounded even in terms of Section 147 of the Act of 1881, was the costs to be paid by the petitioner for seeking compounding of the offence at a belated stage,

with the judgment of the Supreme Court in **Damodar S.Prabhu v. Sayed Babalal H. 2010 (2) RCR (Criminal) 851** laying down guidelines to the effect that if compounding is made at the appellate or revisional stage (as is so in the present case), it should only be done with appropriate costs imposed.

Learned counsel for the petitioner submits that the money in fact having been paid by the brother of the petitioner, the costs may be reduced.

Accepting that contention at 'face value', the amount of dishonoured cheque being Rs.3,80,000/-, the offence is allowed to be compounded upon the petitioner paying a sum of Rs.25,000/- by way of costs, in addition to the amount settled between the parties.

Thus, upon payment of the above costs, with the matter having been compounded, the petitioner would stand acquitted of the charge framed against him.

The petition is disposed of as above. Upon the amount being deposited before the learned Chief Judicial Magistrate/Duty Magistrate, Bathinda, the petitioners' bail and surety bonds shall stand discharged.

December 16, 2019
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.