

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

Sr. No.238

**Criminal Revision No.3849 of 2018 (O&M)
DECIDED ON: March 13, 2019**

KANWARJEET SINGH

..PETITIONER

VERSUS

KHUSHAL SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pawan Attri, Advocate, for the petitioner.

Mr. Ravi Dutt Sharma, Advocate, for the respondent.

SUDHIR MITTAL, J. (ORAL)

The petitioner was convicted by the learned Sub Divisional Judicial Magistrate, Guhla for the offence under Section 138 of Negotiable Instruments Act, 1881 (for short 'the Act') and was sentenced to undergo RI for a period of 01 year and to pay compensation to the tune of Rs.7,75,000/- i.e. equivalent to the amount of cheque in question to the complainant within one month from the date of this order. Aggrieved against the judgment of conviction dated 03.10.2017 and order of sentence dated 04.10.2017, he preferred an appeal and vide judgment dated 12.09.2018, the same was dismissed by the learned Additional Sessions Judge, Kaithal and the petitioner was taken into custody and sent to jail to undergo the sentence.

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2. Hence, the instant revision petition before this Court.
3. Notice of motion was issued inasmuch as learned counsel for the petitioner submitted that the petitioner was ready to pay the cheque amount to the respondent-complainant.
4. Vide order dated 07.02.2019, an application for compounding the offence during pendency of the instant revision petition, was allowed and pursuant to the direction of this Court 15% of the cheque amount has also been deposited by the petitioner with the High Court Legal Services Committee, Chandigarh vide Deposit Order No.80, dated 08.03.2019. Learned counsel for the respondent has admitted the factum of compromise and receipt of the amount of cheque in dispute from the petitioner.
5. The offence under Section 138 of the Act is compoundable at the revisional stage under Section 147 of the Act read with Section 320 (6) of the Code of Criminal Procedure, 1973 (for short 'the Code') and the effect thereof is an acquittal under Section 320 sub Section 8 of the Code. Accordingly, instant revision petition is allowed; judgment of conviction dated 03.10.2017 and order of sentence dated 04.10.2017 passed by learned Sub Divisional Judicial Magistrate, Guhla and judgment dated 12.09.2018 passed by the learned Appellate Court, are set aside and the petitioner stands acquitted.
6. A copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for information and compliance.

March 13, 2019

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No