

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-5822-2018 (O&M)
Date of decision: 17.01.2019

Ajit Bhati

... Petitioner

Vs.

Kalyan Singh Bhati

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Hooda, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction dated 26.05.2017 passed by the trial Court, vide which the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I. Act') and the order of sentence dated 31.05.2017, vide which he was sentenced to undergo simple imprisonment for a period of six months and to pay compensation to the tune of Rs.6.00 lacs to the complainant under Section 143(1) of N.I. Act read with Section 357(1) (3) of Cr.P.C. within a period of two months from the date of passing of the judgment by the trial Court. It is further clarified by the trial Court that if the amount of compensation is not paid within the aforesaid period, the same shall be recovered under the provisions of Section 421 Cr.P.C. as well as the judgment dated 22.11.2018 passed by the Sessions Judge, vide which the appeal filed by the petitioner was dismissed.

During pendency of the appeal before the lower appellate Court,

the parties have settled their dispute and the petitioner was agreed to pay Rs.5.00 lacs to the respondent-complainant.

Learned counsel for the petitioner submits that the petitioner has paid the entire amount of Rs.5.00 lacs to the respondent.

Notice of motion.

Mr. Ashok Kaushik, Advocate has appeared on behalf of the respondent and has submitted affidavit of complainant Kalyan Singh Bhati, who is also present in the Court and acknowledged that he has received the entire amount.

Learned counsel for the parties are ad idem that the compromise arrived at between the parties on 23.03.2018 before the lower appellate Court has been complied with and the respondent has no objection in allowing the present petition.

In **Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (CrI.) 102**, a Division Bench of this Court has held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Considering the fact that the parties have decided to bury their inter-se dispute and further decided to live in peace, present revision petition is partly allowed. Sentence of six months S.I. awarded to the petitioner, vide judgment of conviction dated 26.05.2017 and order of sentence dated 31.05.2017, upheld by the Sessions Judge vide judgment dated 22.11.2018, is modified to the extent that sentence awarded by the trial Court is reduced to the period already undergone by the petitioner.

Since the petitioner is in judicial custody, he will be released forthwith, if he is not involved in any other case.

[ARVIND SINGH SANGWAN]
JUDGE

17.01.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No