

201

BEFORE THE NATIONAL LOK ADALAT

-.-

Crl. Rev. No. 1881 of 2017 (O&M)

Date of Decision: 08.02.2020

Gurbachan Singh

...Petitioner

Vs.

State of Punjab & Anr..

...Respondents

Present: Mr. Kanwal Goyal, Advocate, for the petitioner.

Mr. B.B.Menon, AAG, Punjab.

Mr. Vishal Goel, Advocate, for respondent No.2.

ALKA SARIN, J (Oral)

The proceedings under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act') read with Section 420 IPC was initiated by the complainant M/s Chetan Dass and sons, Commission Agents through its partner Joginder Kumar against the accused-revisionist Gurbachan Singh on the allegation that Gurbachan Singh, had taken money from the complainant time to time in due course of business. As per the account an amount of Rs.1,64,470.22/-was due from Gurbachan Singh payable on 15.12.2012. In discharge of his liability Gurbachan Singh issued a cheque dated 08.12.2012 for an amount of Rs.1,64,470/-. However, the same was returned back with the remarks "Funds Insufficient". In the proceedings initiated under Section 138 of the Act. Gurbachan Singh was convicted and sentenced to undergo Rigorous Imprisonment for a period of one year and compensation equivalent to the cheque amount under Section 138 of the Act, vide judgment dated 07.10.2014.

Against the said judgment and order of sentence dated 07.10.2014, Gurbachan Singh preferred an appeal which is also dismissed vide judgment dated 19.04.2017. Aggrieved by the said judgments and orders of sentence, the present criminal revision petition has been filed. During the pendency of the revision the matter was referred to the National Lok Adalat.

Today, both the parties are present in Court and have entered into amicable settlement. The statements recorded are reproduced under:-

“Statement of Gurbachan Singh ((Aadhar No.383239406325) aged about 50 years son of Phulla Singh resident of Village KHuda, Teshil and District Patiala on SA

States that out of total amount of Rs3,00,000/-, Rs2,50,000/- has already been paid by me to Joginder Kumar. The balance amount of ` 50,000/- has been handed over by me to Joginder by way of post-dated cheque No.018848 dated 30.04.2020 drawn on HDFC Bank Ltd. Wholesale Banking Operations, 1st Floor, Sutheri Road, Hoshiarpur, Punjab.

Statement of Joginder Kumar (Aadhar No.881665513329) aged about 50 years son of Chetan Das resident of H.No. 232, Ward No.1, Grid Colony, Sanaur, Patiala, Punjab on SA

States that out of total amount of Rs.3,00,000/-, Rs.2,50,000/- has already been paid to me by Gurbachan Singh. The balance amount of ` 50,000/- has been handed over by Gurbachan Singh to me by way of post-dated cheque No.018848 dated 30.04.2020 drawn on HDFC Bank Ltd. Wholesale Banking Operations, 1st Floor, Sutheri Road, Hoshiarpur, Punjab.

In view of the fact that the amount has been received by me, I withdraw my complaint. The judgment of conviction and sentence be set aside and the accused-revisionist be acquitted.”

As is apparent from the statement of the respondent Joginder Kumar, the

amount stands duly paid and the complaint has been withdrawn. Resultantly, the judgment of conviction and sentence passed against the petitioner by the trial Court and affirmed by the Sessions Court is hereby set aside and the petitioner is acquitted of the charges framed against him under Section 138 of the Act.

Accordingly, the Criminal Revision is allowed in the above terms.

(ALKA SARIN)
PRESIDENT

(AMAN DHIR)
MEMBER

February 08, 2020
tripti