

In the High Court of Punjab and Haryana at Chandigarh

CRR No.5043 of 2018 (O&M)

Date of Decision: 20.01.2020

Priyanka Vohra

.....Petitioner

Versus

Deepak Chadha

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Gurneet Sagoo, Advocate
for the petitioner.

Mr. Karan Dev Sharma, Advocate
for the respondent.

HARNARESH SINGH GILL, J. (ORAL)

This is a revision petition challenging the judgment dated 27.11.2018 passed by the learned Additional Sessions Judge, Jalandhar, whereby the appeal filed by the present petitioner was dismissed and judgment of conviction and order of sentence dated 20.02.2017 passed by the learned Judicial Magistrate, 1st Class, Jalandhar, convicting the petitioner under Section 138 of the Negotiable Instruments Act (for brevity, 'N.I.Act') and sentencing him to undergo rigorous imprisonment for two years and to pay compensation of Rs.5,00,000/- has been upheld.

Today, learned counsel for the petitioner submits that in pursuance of the order dated 24.01.2019, petitioner has made the payment of Rs.75,000/- being 15% of the cheque amount with the High Court Legal Services Authority and further states that a compromise has already been effected between the parties and the matter has been settled fully and finally and the petitioner has paid the amount in question.

Learned counsel for the respondent does not dispute the above mentioned compromise and states that he has no objection if the offence is compounded and accused-revision petitioner is acquitted.

As per order 18.12.2018 passed by this court, 15% of the cheque amount was ordered to be deposited with the High Court Legal Services Authority, in view of the law laid down by Hon'ble Supreme Court in ***Damodar S. Prabhu Vs. Sayed Babala , 2010 (5) SCC 663.***

Heard.

In view of the compromise effected between the parties and in view of the fact that offence punishable under Section 138 of the Negotiable Instruments Act, is compoundable, permission is granted to compound offence. The judgment of the conviction and order of sentence dated 20.02.2017 passed by the learned Judicial Magistrate 1st Class, Jalandhar, and judgment dated 27.11.2018, passed by learned Addl. Sessions Judge, Jalandhar, are set aside in view of the lawful composition of the offence.

This revision petition is accepted and the revision petitioner is acquitted of the charge framed against her.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

January 20, 2020

Manju

Whether reasoned/speaking?

Yes

Whether reportable?

No