

**CRM-14528-2021 in/and
CRR-484-2020**

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

**CRM-14528-2021 in/and
CRR-484-2020 (O & M)
Date of decision: 27.05.2021**

Bansal Departmental Store, Kharar and another

...Petitioners

Versus

Sewak Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manjinder Singh Saini, Advocate,
for the petitioners.

Mr. Munish Khanngwal, Advocate,
for the respondent.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

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This is an application under Section 482 Cr.P.C. for an early hearing of the revision petition i.e. CRR-484-2020, which is fixed for hearing on 24.08.2021.

Notice in the application.

At this stage, Munish Khanngwal, Advocate, accepts notice on behalf of the respondent, and submits that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the date of hearing of the revision petition is preponed from 24.08.2021 to that

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of today and the same is taken on the Board for final disposal.

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Challenge in the present revision petition is to the judgment of conviction and order of sentence dated 09.08.2018 passed by the learned Judicial Magistrate Ist Class, Kharar, vide which the petitioner has been convicted under Section 138 N.I.Act and sentenced to undergo the rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/-, with default stipulation, and to the judgment dated 07.02.2020 passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, vide which the appeal filed by the petitioner against the judgment of conviction and order of sentence, has been dismissed.

Learned counsel for the petitioner submits that the matter stands compromised between the parties, vide compromise deed 07.05.2021 (Annexure A-1) and in pursuance thereof, the petitioner has paid the entire cheque amount to the respondent. It is also submitted that the petitioner is even ready to deposit 15% of the cheque amount with the Punjab State Legal Services Authority, in view of the law laid down by the Hon'ble Supreme Court in Damodar S.Prabhu Vs. Sayed Babalal H. 2010 (2) RCR (Criminal) 851. He, thus, submits that the petitioner may be allowed to compound the offence and accordingly, be acquitted of the notice of accusation.

On the other hand, learned counsel for the respondent does not dispute the aforesaid submissions made by the learned counsel for the petitioner during the course of hearing today.

In view of the submissions made by the learned counsel for the

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parties, necessary permission to compound the offence punishable under Section 138 N.I.Act is granted to the parties. The impugned judgment of conviction and order of sentence dated 09.08.2018 passed by the learned Judicial Magistrate Ist Class, Kharar, and the judgment dated 07.02.2020 passed by the learned Additional Sessions Judge, SAS Nagar (Mohali), are set aside; the complaint under Section 138 N.I Act filed by the respondent stands dismissed; the petitioner stands acquitted of the notice of accusation served upon him, subject to him depositing the costs of 15% of the cheque amount with the Punjab State Legal Services Authority, in view of the law laid down by the Hon'ble Supreme Court in Damodar S.Prabhu' case (supra). On depositing the aforesaid costs of 15% of the cheque amount, as mentioned above, the petitioner be released forthwith in this case, if not required in any other case.

Allowed in the aforementioned terms.

27.05.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note: Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No