

In the High Court of Punjab and Haryana at Chandigarh

**CRR No. 2232 of 2018 (O&M)
Date of Decision: 16.12.2021**

Jaswant Singh

.....Petitioner

Versus

Mandeep Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. Dhawaljeet Dutta, Advocate
for respondent No. 1.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The accused-petitioner has faced the notice of accusation, qua an offence contemplated, under Section 138 of the Negotiable Instruments Act, and, upon conclusion of trial, extends upon the apposite complaint, he became convicted, and, also became sentenced to undergo rigorous imprisonment for a term extending to two years. However, the sentence of fine did not become imposed, upon the convict, by the learned Chief Judicial Magistrate, Gurdaspur. Becoming aggrieved from supra, the convict-petitioner preferred an appeal before the learned Appellate Court concerned. The learned Appellate Court concerned dismissed the appeal concerned, and, obviously maintained the verdict of afore conviction, and, order of sentence (supra), as became imposed upon the convict-petitioner, by the learned Chief Judicial Magistrate. The convict-petitioner becomes aggrieved from the afore concurrently made judgments, and, has chosen to

hence file the instant criminal revision petition.

2. However, during the pendency of the instant criminal revision petition, a compromise has occurred *inter se* the petitioner, and, the respondent-complainant. Consequently, an effort is by the learned counsels concerned, to seek an order from this Court, for compounding the offence, as arises.

3. In respect of the afore, the learned counsel for the petitioner as well learned counsel for the respondent-complainant, in their respectively recorded statements, without oath, before this Court, stated that the entire liabilities, as became encumbered upon the accused-convict, have been completely settled *inter se* them. Particularly, the learned counsel for the complainant-respondent, has stated, that he has instructions, to state before this Court, that this Court may proceed to record an order of composition, in respect of the offence arising out, of dishonour of the negotiable instrument concerned.

4. Therefore, this Court is constrained to compound the offence, arising out of dishonour of the negotiable instrument concerned. Furthermore, this Court is also constrained to accept the instant criminal revision petition, and, to acquit the petitioner-convict, of the notice of accusation, put to him, for an offence under Section 138 of the Negotiable Instruments Act, 1881.

5. Though, for the afore belated endeavour of the counsels concerned, to constrain this Court to make an order of composition, for an offence arising out of dishonour of the negotiable instrument concerned, it is imperative for this Court, to impose the requisite penalty, upon, the convict-petitioner herein. However, since a perusal of the order made by

this Court on 21.9.2021, discloses that the requisite penalty has been deposited by the petitioner-convict, before the Punjab State Legal Services Authority. Consequently, the afore imperative requirement is not required to be re-imposed upon the convict-petitioner.

6. Accordingly, the present petition is allowed. The verdicts passed by the Courts below are set aside. The petitioner-convict, is acquitted of the notice of accusation, put to him, for an offence under Section 138 of the Negotiable Instruments Act, and also the bail bonds and surety bonds, furnished by him, shall stand discharged.

7. All the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

December 16, 2021
Gurpreet

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