

(Through Video Conferencing)

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

**CRR-1499 of 2019 (O&M)
DATE OF DECISION: 30.07.2021**

Deepak Chand

...Petitioner/revisionist

Versus

Swaran Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

**Present:- Mr. Rohit Joshi, Advocate
For the petitioner/ revisionist.**

None for the respondent.

H.S. MADAAN, J.(ORAL)

1. Deepak Chand son of Kesar Singh, resident of H. No. 193, Village Manuali Surat, Tehsil and District Patiala(for brevity, the petitioner/ revisionist), an accused in a complaint filed under Section 138 of Negotiable Instruments Act(for short, the Act) by Swaran Singh son of Bant Singh, resident of village Budharpur, Post Office Bahadurgarh, Tehsil and District Patiala, faced trial in that case on the allegations that in order to discharge his financial liability, he had issued a cheque bearing No. 0455507 dated 29.05.2013 in a sum of Rs.80,000/- from his account with Malwa Gramin Bank, Village Bhharbar in favour of complainant. On presentation, that cheque was dishonoured for the reason of “insufficient funds” in the account of the accused. On asking, the accused issued another cheque bearing No. 0455503 dated 05.08.2014 for Rs.80,000/- promising that on presentation

the cheque would be encashed. However, this cheque too was dishonoured. The complainant served legal notice dated 20.10.2014 upon the accused calling him to make the payment of cheque amount within 15 days of issuance thereof, but the accused failed to do so, as such the complaint was filed by the complainant.

2. The trial against the petitioner-revisionist culminated into his conviction under Section 138 of the Act. Judicial Magistrate Ist Class, Patiala vide judgment and order dated 20.11.2018 sentenced him to undergo simple imprisonment for a period of one year and to pay a compensation equivalent to cheque amount of Rs.80,000/- along with simple interest @ 9% per annum till final realization. In default, he was required to undergo further simple imprisonment for three months.

3. The petitioner/ revisionist preferred an appeal against the judgment of his conviction and sentence, which was dismissed by learned Sessions Judge, Patiala vide judgment dated 03.06.2019.

4. Aggrieved by the judgments passed by the Courts below, petitioner/ revisionist has approached this Court by way of filing instant revision petition, notice of which was given to the complainant.

5. However, the parties have effected a compromise between them through mediation. As settled, the petitioner/ revisionist has deposited 15% of the cheque amount as composition fee with High Court Legal Services Committee and photo copy of the receipt dated 16.03.2020 has been placed on record.

6. Learned counsel for the petitioner/ revisionist has made a prayer for acceptance of the revision petition.

7. I have heard learned counsel for the petitioner/ revisionist besides going through the record.

8. In terms of Section 147 of the Act, offence under Section 138 of the Act *ibid* is compoundable. In terms of Section 320 Cr.P.C. this Court while exercising powers of revision may allow any person to compound any offence which such person is competent to compound.

9. In this case, the parties have compromised the matter through mediation. Settlement agreement in that regard is available on record. Requisite composition fee has been deposited by the petitioner/ revisionist. In the interest of public peace and tranquillity, I find it appropriate and proper to allow the parties to compound the offence.

10. Accordingly, the revision petition is allowed. Judgments of conviction and sentence passed by the Courts below are set aside. The petitioner/ revisionist is acquitted of the notice of accusation served upon him.

(H.S. MADAAN)
JUDGE

30.07.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No