IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-610-2020 (O&M)
Date of decision: 27.05.2022

Nafe Singh

... Petitioner

Vs.

Subhash Chand and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Sonak, Advocate
for the petitioner.

Mr. J.S. Kang, Advocate for
Mr. K.S. Dhaliwal, Advocate
for the respondent No.1.

Mr. Deepak Grewal, DAG, Haryana.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the judgment of conviction dated 01.03.2019, vide which the petitioner was held guilty for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 (for short 'N.I. Act') and the order of sentence of even date, vide which he was sentenced to undergo simple imprisonment for a period of three months and to pay a compensation to the tune of double of the cheque amount i.e. Rs.1.60 lac

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as well as the judgment dated 30.01.2020 passed by the lower appellate Court, dismissing the appeal against the impugned judgment of conviction and order of sentence.

As per report of the Mediator, a settlement agreement has been arrived at between the parties on 25.04.2022 and the full and final settment amount of Rs.1.40 lac has been paid by the petitioner to the complainant.

Learned counsel for the petitioner has also relied upon a compromise deed dated 03.03.2020, which was produced before the Mediation and Conciliation Centre of this Court. It is submitted that the petitioner assailed the judgment of conviction and order of sentence. Similarly, the complainant also filed an appeal for enhancement of the sentence and the lower appellate Court, vide common judgment dated 30.01.2020, dismissed both the appeals. Thereafter, the petitioner filed the present petition and sentence of the petitioner was suspended vide order dated 05.03.2020, noticing that he has undergone about 01 month and 11 days of sentence, out of three months S.I. awarded by the trial Court.

Learned counsel for respondent No.1 has acknowledged that the complainant has received Rs.1.40 lac and the matter has been amicably settled before the Mediation and Conciliation Centre of this Court, as per settlement agreement dated 25.04.2022.

In view of the above, present petition is allowed. The judgment of conviction and order of sentence dated 01.03.2019 passed by the trial Court and the judgment dated 30.01.2020 passed by the lower appellate Court are set

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aside. The petitioner is acquitted of the charge framed against him.

Since sentence of the petitioner has already been suspended, his bail/surety bonds shall be discharged.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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