

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

**CRM-M No. 25403 of 2022
Date of Decision: 02.06.2022**

Charanjit Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Harpreet S. Multani, Assistant Advocate General, Punjab

Mr. Mohit Kakkar, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. The learned counsel for respondent No. 2 has placed, in Court today, the vakalatnama, executed in his favour by him, which is taken on record.

2. The learned trial Magistrate concerned, through a verdict, made on 15.12.2018 (Annexure P-1), upon, COMA No. 3330 of 2015, convicted the accused-petitioner in respect of a notice of accusation, put to him, for an offence constituted under Section 138 of the Negotiable Instruments Act, 1881 (in short “ the Act, 1881”).

3. In consequence therewith, the learned Magistrate concerned, has imposed upon the convict, sentence of simple imprisonment extending upto a period of one year, and, also awarded to the complainant compensation equivalent to Rs. 70,000/- alongwith simple interest @ 9% per annum, till the final realisation of amount, besides, in case of default of compensation, he sentenced the convict to further undergo simple

imprisonment for a period of three months.

4. The convict became aggrieved from the above verdict, and, proceeded to challenge it, through his instituting an appeal bearing Criminal Appeal No. 23 of 15.01.2019, before the learned Additional Sessions Judge, Patiala.

5. The learned Additional Sessions Judge, Patiala, through a verdict, drawn thereons on 03.03.2022, dismissed the apposite appeal, and, obviously be affirmed the initially drawn verdict, as, made by the learned trial Magistrate concerned.

6. The petitioner is aggrieved from the above verdict(s), and, also from consequent therewith sentence (supra), as, made by both the Courts below, hence, has instituted the present petition, seeking an order for the compounding of the offence constituted under Section 138 of the Act, 1881, rather on anvil of a compromise of 19.05.2022 (Annexure P-4), hence effected between the parties.

7. The learned counsel for the respondent No. 2 – complainant, has made a submission before this Court, that all the terms and conditions, as, carried therein, have been honoured, at the instance of the accused – petitioner herein.

8. If so, this Court orders for the compounding of the offence arising from the dishonor of the negotiable instrument concerned. In consequence, the impugned verdict of conviction, and, the consequent therewith sentence(s) of imprisonment, besides of compensation, as, became imposed upon him, by both the Courts below, are quashed, and, set aside.

9. The present petition is allowed.

10. The accused-petitioner herein is acquitted of the notice of accusation. His personal and surety bonds stand cancelled and discharged.
11. However, given the belated endeavour, as, made before this Court, for seeking the composition of the offence concerned, therefore, this Court becomes constrained, to direct the petitioner, to as a condition precedent, for making the above order to take the fullest effect, hence deposit penalty quantified at 15% of the cheque amount, within four weeks hereafter, before the Punjab State Legal Services Authority concerned. In case, the above deposit is not made within the afore period, thereupon, the instant petition shall revive, and, also the order qua composition of the offence (supra), as, made by this Court not shall take any effect.

June 02, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>