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CRR-1465-2015

Jaswinder Singh Vs. M/s Mangal Ram Chaman Lal

Present:- Mr. Rajinder Kumar, Advocate with
Mr. Jaswinder Singh, petitioner-in-person

Mr. Rao Ajender Singh, Advocate for
Mr. J.S. Mehndiratta, Advocate along with
Mr. Chaman Lal, respondent-complainant in person.

The present revision petition is by petitioner-Jaswinder Singh against the conviction and sentence under Section 138 of the Negotiable Instruments Act, 1881.

The facts of the case are that the petitioner was convicted under Section 138 of the Negotiable Instruments Act, in a complaint filed by Chaman Lal-complainant qua dishonouring of cheque No.760636 dated 02.07.2012 of Rs.10,00,000/- drawn on State Bank of Patiala, Balbehra branch, District Patiala and sentenced to undergo rigorous imprisonment of 2 years along with compensation equivalent to half the cheque amount by JMJC 1st Class, Patiala vide order dated 05.09.2014. The appeal preferred by him against the aforesaid judgment and order was dismissed on 26.03.2015 by the Additional Sessions Judge, Patiala.

The petitioner has preferred the present revision petition before this Hon'ble Court. In the revision petition, he was granted interim bail on 27.07.2015 subject to deposit of Rs.5 lakhs with the Registry of this Hon'ble Court.

The matter has been settled and the parties had already filed a compromise deed as Ex. C-X relating to the said settlement to the effect that the complainant has already received Rs. 15 lakhs as full and final payment and nothing is due towards the accused Jaswinder Singh-petitioner. The complainant shall also withdraw his civil suit for recovery against the petitioner and he has no objection if the accused stands discharged from the conviction and the parties would be bound by the said compromise. Rs.5 lakhs deposited by Jaswinder Singh-petitioner may be refunded to him. The compromise deed is taken on record.

Both the parties are present and they have made a categorical statements endorsing the settlement. Chaman Lal-complainant has stated that he has no objection if the accused is discharged/acquitted.

The matter has been compromised between the parties. The settled amount has been paid to the complainant as stated by him in his statement. He has no objection for refund of Rs.5 lakhs to Jaswinder Singh-petitioner. The suit for recovery filed by him has already been withdrawn on 11.09.2021 in Daily Lok Adalat, Patiala. In background of the said facts, we allow the parties to compound the offence. The natural corollary is that conviction and sentence, so recorded by the trial Court and upheld by the Appellate Court to petitioner-Ashok Kumar is set aside and he stands acquitted of the charges levelled against him.

The amount so deposited by the petitioner, in the Registry of this Hon'ble Court, be refunded to him.

Accordingly, the revision petition is disposed of in the afore-stated terms.

Copy of the order and statement be given to learned counsel/parties.

(J.C. Verma)
President

(Arvind Kumar)
Member

10.01.2022
Atul