

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

213

CRR 1379 of 2019 (O&M)

Date of Decision: August 18, 2022

Harjit Singh

...Petitioner

Versus

The Primary Co.Op. Agricultural Development Bank Ltd. and another

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Tarun Vir Singh, Advocate
for respondent No.1.

N.S.SHEKHAWAT, J. (Oral)

The petitioner has filed the instant revision petition before this Court for setting aside the judgment dated 10.05.2019 passed by the Court of learned Additional Sessions Judge Bathinda and the judgment dated 04.10.2017 passed by the Court of learned JMJC, Bathinda, whereby, the petitioner was ordered to be convicted under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 2,000/-.

On the last date of hearing, the following order was passed:-

“Learned counsel appearing on behalf of the petitioner submits that the matter has been amicably resolved and the entire amount of the cheque already stands remitted to the respondent. He further submits that in terms of the order dated 31.01.2022, 15% of the cheque amount was

*to be deposited with the “**High Court Legal Service Committee**” and that he has already received the said amount and undertakes to deposit the same within period of one week.*

The statement is accepted.

*Learned counsel for the petitioner is directed to deposit the said amount the the “**High Court Legal Service Committee**” within a period of one week from today.*

As the learned counsel for the petitioner submits that matter has already been resolved and prays that volition for compounding of offence be granted, which such of the petitioner is not opposed by counsel appearing on behalf of respondent No.1.

Let the parties are directed to appear before the Illaqa Magistrate/Convicting Court to get their statements recorded on 24.05.2022.

Report be also furnished by the Illaqa Magistrate/Convicting Court as regards genuineness of settlement amongst the parties and as to whether the respondent-complainant has any objection to the offence being compounded or not”.

In compliance of above order, the Court of Judicial Magistrate 1st Class Bathinda has submitted report alongwith statements of Harjit Singh, petitioner and Amarinder Singh, Assistant Manager/Authorized Signatory of the respondent/complainant. The said official of the respondent has clearly stated that the complainant-Bank has received cheque amount to the tune of

Rs.40,000/- from the petitioner/accused and the respondent/complainant-Bank has no objection if the complaint in question is ordered to be compounded.

In the report, the learned Judicial Magistrate has observed that the parties had made statements voluntarily, out of their own free will.

In view of above, the instant petition is allowed, the parties are allowed to compound the offence and the petitioner is ordered to be acquitted of the charge.

August 18, 2022
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(N.S.SHEKHAWAT)
JUDGE

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