

CRR-1131-2018 (O&M)

Laxman Vs. Rampal Yadav

Present: Mr. Sachin Mittal, Advocate along with
Mr. Laxman, petitioner in person.

Mr. Rohit Kumar, Advocate for
Mr. Sandeep Sharma, Advocate along with
Mr. Rampal Yadav, respondent in person.

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

The facts are that he was convicted under Section 138 of the Negotiable Instruments Act, in a complaint filed by Rampal Yadav-complainant qua dishonouring of cheque No.858457 dated 13.05.2014 of Rs.20,00,000/- and was sentenced to undergo simple imprisonment of 1 year along and to pay the compensation to the tune of Rs.23,00,000/- to the complainant vide judgment and order dated 08.08.2016/10.08.2016 passed by the Judicial Magistrate, Ist Class, Gurgaon. The appeal filed by the petitioner against the said judgment was dismissed on 06.02.2018 by the Additional Sessions Judge, Gurugram.

The petitioner has preferred the present revision petition. The matter has been referred to the Lok Adalat for settlement.

The matter has been settled and the parties had already filed a settlement deed dated 03.10.2019, which is taken on record as Exb. X-1 to the effect that the petitioner would pay Rs.7 Lakhs within a period of one and half year and an advance cheque bearing No.429307 drawn on Oriental Bank of Commerce Branch Sector 10, IMT Manesar, 122050, bearing A/C No.06282191012220 would also be given as security of the cheque. In case of default, the revision will be revived.

The accused will be liable to pay Rs.23,00,000/- and will also complete the sentence and will not contest the revision on merits before the Hon'ble High Court.

Both the parties are present and they have made a categorical statements endorsing the settlement. Rampal Yadav-complainant has stated that on the basis of said settlement, he has now received the payment (delayed due to COVID-19 Pandemic) as full and final settlement. Nothing is due towards Laxman and 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. 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-Laxman is set aside and he stands acquitted of the charges levelled against him.

The fine if paid by the petitioner 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.

Copy of the order be also sent to the concerned authorities.

(J.C. Verma)
President

(Arvind Kumar)
Member

23.12.2022
Atul