

CRR-1230-2018

Balvinder Singh Vs. District Primary Cooperative Agricultural & Rural Development Bank Ltd. Branch Karnal

Present:- Mr. Bhupender Singh, Advocate along with
Mr. Balvinder Singh, petitioner-in-person

Mr. Jasjeet Singh, Advocate along with
Mr. Balraj Singh, Branch Manager,
for the respondent-Bank.

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

The facts are that the petitioner was convicted under Section 138 of the Negotiable Instruments Act, in a complaint filed by the Bank-complainant qua dishonouring of cheque No. 454527 dated 31.05.2013 of Rs.1,17,400/- drawn on Punjab National Bank, Jundla and was sentenced to undergo rigorous imprisonment for a period of three months along with fine of Rs.2,34,800/- (double of the cheque amount) as compensation to the complainant-Bank vide judgment of conviction dated 12.12.2014 and order of sentence dated 18.12.2014 passed by learned Judicial Magistrate, Ist Class, Karnal.. The appeal filed by the petitioner against the said conviction and sentence was dismissed on 23.03.2018, passed by the Additional Sessions Judge, Karnal.

The petitioner has preferred the present revision petition before this Hon'ble Court. In the revision petition, his sentence of imprisonment was suspended during the pendency of the revision petition subject to deposit of the amount of Rs.1,17,000/- (two drafts of Rs.27,000/- and Rs.90,000/- respectively).

The matter has been settled. The statements of the parties have been recorded. The cheque amount of Rs.1,17,400/- had already been received by the Bank. It has also been agreed that the petitioner has cleared the entire loan amount, for which 'NOC' has already been issued on 05.05.2020. The respondent-Bank has no objection to compound the case and ready to refund the penalty amount of Rs.1,17,400/- (double the cheque amount). The parties also stated that in view of the compromise/compounding, the appropriate order be passed.

In this 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-Balvinder Singh is set aside and he stands acquitted of the charges levelled against him.

The penalty amount of 1,17,400/- (double of the cheque amount) admittedly deposited in the respondent-Bank be refunded to the petitioner-Balvinder Singh within a period of one month from the date of receipt of certified copy of this order.

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

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

(J.C. Verma)
President

(Arvind Kumar)
Member

06.05.2022
Atul