

CRR-2029-2018

RAJ KUMAR V/S GURUHARSAHAI PRIMARY CO-OP AGRI DEV
BANK LTD GURUHARSAHAI

Present:- Mr. Raj Kumar, petitioner-in-person.

Mr. K.S. Sidhu, Adovcate along with
Mr. Baljit Singh, Manager

The present revision petition is by petitioner-Raj Kumar 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 the Bank-complainant qua dishonouring of cheque No.026801 dated 16.06.2014 of Rs.1,00,000/- drawn on Ferozepur Central Cooperative Bank Limited Guruharsahai and was sentenced to undergo rigorous imprisonment of 1 year along with fine of Rs.2,000/- and in default of payment of fine, he shall further undergo rigorous imprisonment for one month by JMIC 1st Class, Guruharsahai vide order dated 15.03.2017. The appeal filed by the petitioner against the said conviction and sentence was dismissed on 21.05.2018 by the Additional Sessions Judge, Ferozepur.

The petitioner has preferred the present revision petition before this Hon'ble Court. During the pendency of the revision, the petitioner had undertaken to deposit 25 per cent i.e. Rs. 25,000/- which he deposited on 11.06.2018 in the trial Court. Subsequently, the petitioner was released on bail. Liberty was also given to the respondent-complainant to move an application before the Trial Court for release of payment of Rs.25,000/- deposited with it.

The matter had been settled and the statements of the parties had been recorded. It was agreed that the petitioner shall pay the remaining amount of Rs. 75,000/- on three installments to be paid on 01.11.2019, 01.02.2020 and 01.05.2020. On deposit, the parties agreed to compound the case.

Today Baljit Singh, Manager-complainant stated that the

petitioner has paid all the installments and they do not have any objection of the compounding of the case of the petitioner and Rs. 25,000/- already deposited with Trial Court/Illaqua Magistrate on 05.06.2018 be also paid to them. Petitioner also stated that in view of the compromise/compounding and payment of the entire, the appropriate order be passed. They have again made categoric statements endorsing the settlement.

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 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-Raj Kumar is set aside and he stands acquitted of the charges levelled against him. Fine, if any, paid be treated as costs of proceedings.

The amount of Rs.25,000/- deposited in the Trial Court/Illaqua Magistrate on 11.06.2018 be refunded to the complainant (Bank) against receipt and identification.

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

03.03.2022
Atul