

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-415-2018 (O&M)

Date of Decision:-24.1.2022

JAGMAL

... Petitioner

Versus

STATE OF HARYANA & ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Arun Sharma, Advocate
for the respondent No.2.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present revision-petition is relating to conviction and
sentence of the petitioner in a criminal case relating to dishonour of cheque
worth ₹1,67,550/- by Judicial Magistrate Ist Class, Yamuna Nagar at
Jagadhri which was upheld by the Court of Additional Sessions Judge,
Yamuna Nagar at Jagadhri.

On 18.11.2019 the Co-ordinate Bench of this Court pass the following order:-

*“The office file shows that the petitioner was released on interim bail on his promise to pay up the entire bank dues as well as the compounding charges as per the judgment of the Supreme Court in case **Damodar S. Prabhu v. Sayed Babalal H., 2010(5) SCC 663.** However, there is nothing on record to show that the petitioner has either paid up the bank dues or has deposited the compounding charges anywhere.*

Adjournment is prayed for.

Adjourned to 25.02.2020.

Interim order to continue till the next date of hearing only.

However, it is clarified that if 'No Dues Certificate' qua the bank amounts, is not placed on record by the petitioner three days in advance, before the next date of hearing, then the interim order in his favour shall stand automatically vacated; without any further orders from the Court.”

The learned counsel for the petitioner submits that in compliance of the aforesaid order dated 18.11.2019, the entire bank dues relating to cheque in question and compounding charges have been paid to respondent No.2-Bank vide two cheques bearing No.132895 of ₹1,40,000/- and cheque No.132863 of ₹50,000/- whose copies are already placed on the file.

Today learned counsel for respondent No.2-Bank has admitted the fact regarding deposit of aforesaid amount by the petitioner and he further submitted that he has no objection if the offence punishable under Section 138 of the Negotiable Instruments Act (for short 'NI Act') is

compounded and the petitioner is acquitted by accepting the present criminal revision-petition.

In view of the above, it stands proved that parties have effected compromise and the petitioner has paid the entire cheque amount in question and also paid compounding fee to the respondent No.2-Bank. Accordingly, offence under Section 138 of NI Act is hereby compounded, the present revision-petition is accepted and the impugned judgments/orders dated 19.8.2015 and 19.1.2018 passed by Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari and Additional Sessions Judge, Yamuna Nagar at Jagadhari are set aside and the petitioner is acquitted of the offence punishable under Section 138 of the NI Act.

The present criminal revision-petition disposed of accordingly.

(KARAMJIT SINGH)
JUDGE

24.1.2022
tarun

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No