

107-A

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1618-2022 (O&M)
Date of decision:05.08.2022

RAJIV KASHYAP

...Petitioner

Versus

AMANDEEP SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Surinder Singh, Advocate for the petitioner.

Mr. Tarun Sharma, Advocate for respondent.

SURESHWAR THAKUR, J. (ORAL)

CRM-28006-2022

The instant application has been filed under Section 5 of the Limitation for seeking condonation of delay of 58 days in filing the present revision petition.

For good, and, valid reasons recorded in the application, the same is allowed, and, the delay of 58 days in filing the revision petition is condoned.

CRR-1618-2022

1. The petitioner is aggrieved from the concurrently made verdicts of conviction qua notice of accusation put to him, under Section 138 of the Negotiable Instruments Act (hereinafter referred to as “the Act”).
2. However, the learned counsel for the petitioner, and, the learned counsel for respondent, both conjointly submit before this Court, that, a compromise has occurred, amongst the parties concerned, in respect of the dishonoured negotiable instrument. They conjointly submit that, the relevant compromise is appended, as Annexure P-2 with the petition. Annexure P-2 is an affidavit sworn by the complainant, therein he has revealed that, the petitioner-

convict has liquidated to him, a sum of Rs.20,000/- in respect of the dishonoured negotiable instrument concerned, and, that he is satisfied with the above payment. Taking into account the above, he prays that, this Court, makes an order of composition in respect of the complaint offences.

3. Moreover, he has also made an echoing in Annexure P-2, that this Court may subsequently accept the instant revision petition, and, to quash the impugned concurrently made verdicts of conviction against the petitioner, and, further he has echoed therein, that, this Court may proceed to acquit the petitioner in respect of the notice of accusation put to him for an offence under Section 138 of the Act.

4. Bearing in mind the above echoings carried in Annexure P-2, this Court proceeds to order for the composition of offence, as arises from the dishonour of the negotiable instrument concerned, and, also proceeds to accept the instant revision petition. Moreover, this Court proceeds to also, set aside the impugned concurrently made verdicts of conviction, and, also the consequent therewith sentence, as, made upon the petitioner-convict, by both the learned Courts below. In addition, this Court proceeds to also acquit the petitioner-convict in respect of the notice of accusation, put to him, for an offence constituted under Section 138 of the Act.

5. However, the above shall be subject to the petitioner-convict depositing within two weeks from today, 15% of the cheque amount, before the Punjab State Legal Services Authority.

6. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

05.08.2022

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

ITHLESH KUMAR
2022.08.05 18:47
I attest to the accuracy and
authenticity of this order