

CRR-1913-2019

Chander Bhan Vs. Indian Overseas Bank and another

Present:- Mr. Aarish Kamboj, Advocate for
Mr. Ashok Kumar Sama, Advocate along with
Mr. Chander Bhan, petitioner-in-person.

Mr. A.K. Khunger, Advocate and
Mr. Anil Pardeep Kataria, Advocate
for respondent No.1.

The present revision petition has been filed by petitioner-Chander Bhan 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. 365811 dated 06.10.2014 of Rs.23,54,838/- drawn on Indian Overseas Bank branch Abohar in favour of the complainant-bank and was sentenced to undergo rigorous imprisonment for a period of two years along with fine of Rs.5,000/- and in default of payment of fine, he shall further undergo rigorous imprisonment for six months by Sub Divisional Judicial Magistrate, Abohar vide order dated 03.03.2016. The appeal filed by the petitioner against the said judgment was dismissed on 03.05.2019 by the Sessions Judge, Fazilka.

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 his furnishing bail bonds and surety to the satisfaction of CJM/Duty Magistrate, concerned.

The respondent-Bank has issued a letter certifying that the amount due to the petitioner has been settled under OTS for which 'NOC' has already been issued on 18.12.2021. In that regard, a settlement has been arrived at between the

Court, Chandigarh on 01.02.2022. Both the documents are taken on record as Mark 'CX-1 and CX-2'. The respondent-Bank has no objection to compound the case. 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-Chander Bhan is set aside and he stands acquitted of the charges levelled against him.

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

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

(J.C. Verma)
President

(Arvind Kumar)
Member

31.05.2022
Atul/Vipin Kumar