

...Petitioner

THE HISAR DISTRICT CENTRAL COOPERATIVE BANK LTD

...Respondent

Mr. Kuldeep Sheoran, Advocate
for the respondent-bank.

DEEPAK MANCHANDA J.

Petitioner had faced trial qua commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short- “the Act”). The trial Court, vide judgment/ order dated 09.09.2016/16.09.2016 convicted and sentenced the petitioner for commission of offence punishable under Section 138 of the Act. Aggrieved by the said judgment/ order, petitioner preferred an appeal and the same was dismissed vide judgment dated 11.11.2022 by the Appellate Court. Hence, the present revision petition.

0 Learned counsel for the petitioner has submitted that now during the
pendency of the petition, parties have arrived at a compromise. The entire amount
in question has been paid to the respondent by the petitioner.

Respondent-bank, who is represented through his counsel, has admitted the factum of compromise effected between the parties and has stated that he has no objection if the revision petition filed by the petitioner is accepted. In this regard he has tendered the copy of no dues certificate dated 07.12.2022 issued by the respondent bank.

As per Section 147 of the Act, every offence punishable under the

Act shall be compoundable.

Since the parties have arrived at a compromise and the offence under Section 138 of the Act is compoundable, parties are permitted to compound the offence.

Accordingly, this petition is allowed.

Petitioner is acquitted of the notice of accusation served on him as the offence has been compounded.

Petitioner, who is in custody, be released forthwith, if he is not required in any other criminal case

(DEEPAK MANCHANDA)
JUDGE

15.12.2022

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes
Yes/No