

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2837-2018

DATE OF DECISION: DECEMBER 13, 2022

PURAN SINGH

...PETITIONER

VERSUS

JAGTAR SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

PRESENT: MR. K.K. THAKUR, ADVOCATE
FOR THE PETITIONER.

MR. DEEPAK CHOUDHARY, ADVOCATE
FOR MS. PINKY BANGAR, ADVOCATE
FOR THE RESPONDENT.

DEEPAK MANCHANDA, J.(ORAL)

The petitioner has preferred the revision petition challenging the appellate Court judgment dated 14.5.2018, passed by the learned Addl.Sessions Judge, Ferozepur, whereby the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 21.10.2016, passed by the trial Court was dismissed by upholding his conviction and sentence under Section 138 Negotiable Instruments Act.

The facts leading to the revision petition are that the convict-petitioner being known to the complainant-respondent demanded ₹6,00,000/- in the month of December, 2013. The complainant acceded to the same and the petitioner against the receipt of the said amount issued cheque for Rs.6,00,000/- bearing No.017019 dated 23.12.2014, drawn at IDBI Bank, Ferozepur Branch, Ferozepur in favour of the complainant with the assurance that the same would be honored as and when presented for encashment. Accordingly, the complainant presented the cheque for encashment, but the same got dishonoured vide memo dated 2.3.2015 with

the remarks 'Funds Insufficient'. Legal notice was issued to the petitioner, but the petitioner did not pay any heed to it and the present complaint under Section 138 of Negotiable Instruments Act was filed.

After considering the evidence available on record, the trial Court convicted and petitioner under Section 138 of Negotiable Instruments Act and sentenced him to undergo RI for 2 years and an amount of Rs.6,50,000/- was ordered to be paid as compensation to the complainant.

Aggrieved against the same, the petitioner filed an appeal before the appellate Court, which was also dismissed vide judgement dated 14.5.2018.

Hence the present revision petition.

Learned counsel for the petitioner submits that though vide receipt No.3150 dated 28.2.2022, the petitioner deposited an amount of ₹1 lakh with the High Court Legal Services Authority, in compliance of the judgement rendered by the Hon'ble Supreme Court in **Damodar S. Prabhu vs. Sayed Babalal H., 2010(2) RCR(Criminal) 851**, however, in view of order dated 21.10.2022, the petitioner appeared before the trial Court and got recorded his statement with regard to the compromise arrived at between the parties.

As per the report received from Civil Judge(Jr.Divn.),-cum-Judicial Magistrate Ist Class, Ferozepur, a compromise has been effected between the parties and the petitioner has paid an amount of ₹6 lakhs to the complainant. Learned counsel for the petitioner submits that in view of the compromise effected between the parties, the present petition be allowed and the impugned judgement of conviction and order of sentence be set

aside. In support of his argument, he has produced a copy of the judgement passed by this Court in a connected case between the same parties, bearing CRR No.2814-2018, dated 7.3.2019.

Learned counsel for the respondent does not dispute the aforesaid fact and submits that indeed he has received a sum of ₹6 lakhs from the complainant and has no objection if the judgement of conviction and order of sentence dated 21.10.2016, passed by the trial Court against the petitioner is set aside.

In view of the fact that a compromise has been effected between the parties and that a co-ordinate Bench of this Court has already set aside the judgement of conviction and order of sentence dated 21.10.2016, in similar connected case between the same parties under Section 138 of Negotiable Instruments Act, therefore, this Court is of the opinion that ends of justice would be met if the judgement of conviction and order of sentence dated 21.10.2016, be also set aside in the present case, as the matter stands compromised between the parties.

Thus, the revision petition is allowed in the same terms as in CRR-2814-2018 and the judgement of conviction and order of sentence dated 21.10.2016, passed by the trial Court under Section 138 Negotiable Instruments Act and upheld by the appellate Court is set aside and the petitioner is acquitted of the charge against him. He be released from jail forthwith, if in custody, and is not required in any other case.

December 13, 2022
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No