

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

249

CRR-434-2023

Date of Decision.:11.09.2023

Sunil Kumar @ Sunil Panchal

Petitioner

Vs.

Jitender Singh & Another

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Munish Mittal, Advocate
for the petitioner.

Mr. Ankit Kamboj, Advocate
for respondent No.1.

Mr. Vipul Sherwal, AAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

On 15.02.2023, following order was passed by this Court:-

“Petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881, vide judgment dated 23.10.2017 passed in Criminal complaint No.461 of 2016 by learned Judicial Magistrate 1st Class, Karnal, and has been sentenced to undergo rigorous imprisonment for one year and to pay the cheque amount of ₹9,15,300/- as compensation, vide order of sentence dated 26.10.2017. Judgment of conviction and order of sentence have been maintained by the learned Additional Sessions Judge, Karnal, vide judgment dated 20.01.2023 passed in Criminal Appeal No.CRA/598/2017.

It is submitted by the petitioner that after dismissal of the appeal, compromise has been effected amongst the parties. With regard to compromise, copy of affidavit of respondent No.1-complainant is placed on file as Annexure A-1. Prayer is made for suspension of sentence during the pendency of the present revision

petition.

Notice of motion.

Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of respondent No.2-State.

Mr. Ankit Kamboj, Advocate has appeared and filed Power of Attorney on behalf of respondent No.1, who admits the factum of compromise.

In view of the aforesaid, the remaining sentence of the petitioner is suspended during the pendency of the present petition. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate concerned.

CRM No.7395 of 2023 is allowed.

Adjourned to 24.05.2023.”

Today it is informed by learned counsel for the respondent-complainant that pursuant to the compromise effected amongst the parties, respondent- complainant has received the entire settlement amount.

Offence under Section 138 of the Negotiable Instruments Act is compoundable. Compounding can be allowed at any stage. Since the matter has been amicably settled amongst the parties therefore, permission to compound is hereby granted. The impugned judgment of convictions and order of sentences as passed by the Courts below are hereby set aside. Petitioner stands acquitted within the meaning of Section 320(8) Cr.P.C.

(DEEPAK GUPTA)
JUDGE

September 11, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No