

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

249

CRR-600-2022 (O & M)
Date of Decision: 18.07.2023

SAJID AHMAD AND ANOTHER

... Petitioners

Versus

SAJID AHMAD AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Dr. Sumati Jund, Advocate for the petitioners.

Mr. Vipul Sherwal, AAG Haryana.

Mr. Aditya Sharda, Advocate for
Mr. Dhruv Khanna, Advocate for respondent No.2.

HARNARESH SINGH GILL, J.(Oral)

This is a revision petition challenging the judgment dated 07.02.2022 passed by the learned Additional Sessions Judge, Panipat, whereby the appeal filed by the petitioner against the judgment of conviction dated 21.11.2018 and order of sentence dated 22.11.2018 passed by the learned Judicial Magistrate 1st Class, Panipat, convicting the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and sentencing them to undergo rigorous imprisonment for a period of 01 year and to compensation to the tune of Rs.7,75,000/- and fine of Rs. 5,000/- has been dismissed.

Learned counsel for the petitioners submits that a cheque of Rs.5 lakhs given by the petitioners to respondent No.2/complainant on

presentation was dishonoured; that thereafter a complaint was filed against the petitioners by respondent No.2 under Section 138 of the Negotiable Instruments Act, 1881; that through order dated 21/22.11.2018, the Judicial Magistrate 1st Class, Panipat (for short – the Trial Court) convicted the petitioners; that an appeal was filed by the petitioners against such conviction which has also been dismissed; that during the pendency of the present petition, the petitioners have compromised the matter with respondent No.2 and in pursuance thereof of such compromise they have paid to him the entire amount settled between them and that the factum of compromise was not disputed by the learned counsel for respondent No.2.

In the light of above, learned counsel for the petitioners seeks to compound the offence for which the petitioners stand convicted in the light of the guidelines laid down by the Supreme Court in Damodar S. Prabhu Vs. Sayed Babalal H., 2010 (2) RCR (Criminal) 851.

Vide order dated 07.02.2023 passed by a Coordinate Bench, the petitioners were directed to deposit 15% of the cheque amount i.e. Rs.75,000/- in 'Veeranwali Foundation Nanhi Jaan, ICICI Bank, Sector-34, Chandigarh, Account No.134101000271, IFSC Code-ICIC0001341.

Learned counsel for the petitioners submits that pursuant to the order dated 07.02.2023, Rs. 75,000/- has been deposited by the petitioners. The sentence of the petitioners stands suspended vide order dated 30.03.2022 passed by a Coordinate Bench.

Keeping in view the settlement between the parties, the compounding of offence is allowed and as a necessary consequence thereof,

the judgments and order passed by the Courts below is set aside; the petitioner is acquitted of the notice of accusation served upon him; the complaint filed by the complainant is dismissed.

The petition is allowed.

18.07.2023
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No