

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:131276
CRM-42489-2023 in/and
CRR-2298-2023 (O&M)
Date of Decision: October 10, 2023

Ajit Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Sobti, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

At the outset, learned counsel for the petitioner submits that earlier revision petition against dismissal of the appeal against conviction, was dismissed by this Court, vide order dated 16.05.2023 in CRR No.1061 of 2023 (O&M) on the ground of limitation. Copy of that order has been placed on record.

2. Learned counsel for the petitioner contends that he was not aware for that order, due to which said fact is not disclosed in the present petition. Learned counsel further submits that after dismissal of the earlier revision, matter has since been compromised between the parties and the entire payment has been made to respondent No.2-complainant. Copy of the affidavit of the complainant is Annexure P-1 in this regard.

3. Notice of motion.

4. Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of respondent No.1-State. Mr. Anshul Jain, Advocate appears and accepts notice on behalf of respondent No.2-complainant by filing Vakalatnama.

5. Learned counsel for respondent No.2-complainant concedes the genuineness of the affidavit (Annexure P-1). He further concedes that the entire payment as per the compromise has been received by respondent No.2-complainant.

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6. Conviction of the petitioner was recorded under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the N.I. Act'), vide judgment dated 20.11.2017. The appeal against the conviction was dismissed by the Court of learned Addl. Sessions Judge, Hisar on 03.08.2019. The present revision is against the dismissal of the appeal. The earlier revision was dismissed on the ground of limitation. Present revision is also accompanied by an application to condone the delay. However, in the changed scenario when the matter has been compromised between the parties, the revision is entertained.

7. Offence under Section 138 of the N.I. Act is compoundable. Compounding can be permitted at any stage. As per the application moved for condonation of delay, petitioner is in custody since 20.11.2022.

8. Having regard to the aforesaid facts and circumstances, necessary permission to compound the offence is granted. The amount as per settlement, has already been paid to the complainant. Therefore, the impugned judgment of conviction and order of sentence as affirmed by the Appellate Court, are hereby set aside.

9. The petitioner is directed to be released forthwith, if not required in any other case. Setting aside of the impugned judgment of conviction and order of sentence will amount to acquittal of the petitioner within the meaning of Section 320(8) Cr.P.C.

Disposed of.

October 10, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No