

**CRR No. 2619 of 2023**

**-1-**

**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

**CRR No. 2619 of 2023 (O&M)**

**Date of decision : December 13, 2023**

Charanjit Singh

....Petitioner

Versus

Punjab National Bank

....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Kamal Narula, Advocate, for the petitioner  
Ms. Anuradha, Advocate and  
Mr. Rakesh Gupta, Advocate, for the respondent

**KULDEEP TIWARI, J. (ORAL)**

1. Through the instant revision petition, challenge is thrown to the judgment dated 19.4.2023, vide which, the petitioner was held guilty for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, and has been sentenced to undergo rigorous imprisonment for two years, besides he has been directed to pay compensation of Rs 11,50,000/- to the complainant, under Section 357(3) of the Cr.P.C.

2. Having aggrieved with the order of conviction and sentence (supra), the petitioner preferred statutory appeal. However, he remained unsuccessful in that attempt and the appeal was dismissed vide order dated 4.9.2023. Further, aggrieved with the judgments (supra) passed by the courts below, the petitioner has

preferred the present revision petition.

3. Record reveals that the petitioner remained absent on the date of pronouncement of judgment by the learned first appellate court concerned. Thereupon, on directions of this Court, he surrendered before the trial court and now he is honouring the sentence imposed upon him.

4. On 30.11.2023, the following order was passed:-

*“1. The instant revision petition assails the verdict of conviction and order of sentence dated 19.04.2023 passed by the learned Magistrate concerned, whereby, the petitioner has been convicted under Section 138 of the Negotiable Instruments Act and has been sentenced to undergo rigorous imprisonment for two years, besides has been directed to pay compensation of Rs.11,50,000/- to the complainant, under Section 357(3) of the Cr.P.C.*

*2. In addition, the instant revision petition also assails the judgment dated 04.09.2023 passed by the learned Sessions Judge concerned, whereby, the appeal filed by the petitioner against the verdict of conviction and order of sentence (supra), was dismissed.*

*3. The learned counsel for the petitioner submits that the petitioner has settled the dispute, with regard to repayment of loan amount, with the respondent- Bank.*

*4. Notice of motion for 13.12.2023.*

*5. Dasti also, on submitting the requisite process fee by the learned counsel for the petitioner.”*

5. Today, in response to the notice issued on dated 30.11.2023, Ms. Anuradha, Advocate has caused appearance through validly executed *Vakaltnama* in her favour and fairly admitted that the loan account has been settled under the OTS scheme and the account has been closed and there is no further liability left, towards the present petitioner. She has further submitted that she has no objection if the instant petition is allowed.

6. Considering the fact that the present petitioner has been convicted under Section 138 of the Negotiable Instruments Act, which is a compoundable offence and the matter has been compounded, therefore, the present petition is **allowed** and judgment of conviction and order of sentence dated 19.4.2023, passed by the learned Judicial Magistrate 1st Class concerned and the judgment dated 4.9.2023, passed by the learned Sessions Judge concerned, is hereby set aside, as the matter has been compounded, subject to deposit of Rs 20,000/- with the Registry of this Court. In case the petitioner deposits the aforesaid amount, he shall be released from the jail forthwith.

7. Pending application(s), if any, stand disposed of accordingly.

**December 13, 2023**

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**( KULDEEP TIWARI )  
JUDGE**

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|------------------------------------|---------------|
| <i>Whether speaking/reasoned ?</i> | <i>Yes/No</i> |
| <i>Whether Reportable ?</i>        | <i>Yes/No</i> |