

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-924-2022 (O&M)
Date of Decision: 01.03.2024

Gurdeep Singh*Petitioners*

Versus

State of Punjab & another*Respondents*

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinay Kumar, Advocate, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

Mr. Navjot Singh, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court challenging the judgment of conviction and order of sentence dated 02.09.2019 passed by learned Judicial Magistrate Ist Class, Batala, whereby the petitioner has been convicted for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo RI for a period of two years. The petitioner also challenges judgment dated 19.01.2022 passed by the Additional Sessions Judge, Gurdaspur, whereby the petitioner’s appeal challenging his conviction has been dismissed.
2. It is the case of the complainant that on 13.06.2015, he had advanced an amount of Rs.5,50,000/- to the petitioner for purchase of a truck and in respect of which the petitioner issued a cheque bearing No.00021 dated 17.05.2016. However, the said cheque upon presentation was dishonoured on ground of ‘insufficiency of funds’.

3. The trial Court upon considering the evidence on record, convicted and sentenced the petitioner vide judgment of conviction and order of sentence dated 02.09.2019. Aggrieved by the said judgment/order, the petitioner preferred an appeal and the same was dismissed by the Additional Sessions Judge, Gurdaspur vide order dated 19.01.2022. Hence, the present revision petition.
4. Earlier on two occasions i.e. on 19.09.2022 & 09.10.2023, since it had been represented that there are chances of some amicable settlement, the parties were directed to appear before the Mediation & Conciliation Centre attached to this Court, but mediation could not be carried out and the matter was accordingly placed before this Court.
5. However, during the pendency of the revision petition, the petitioner moved CRM-2349-2024, which was listed for hearing on 31.01.2024 and the following order was passed thereon:

“Today, at the very outset, learned counsel for the applicant/petitioner has informed that the matter has been amicably resolved amongst the parties and that as per the settlement a demand draft for an amount of Rs.6.50 lakhs is to be handed over to the complainant.

Learned counsel for the applicant/petitioner has produced the said demand draft before this Court and has also furnished a photocopy of the same, which is taken on record.

Mr. Navjot Singh, Advocate representing the complainant/respondent No.2 has endorsed the factum of compromise and has accepted the aforesaid demand draft of Rs.6.50 lakhs furnished by learned counsel for the applicant/petitioner and has stated that the complainant/respondent No.2 has no objection in case the conviction of the applicant/petitioner is set aside and he is acquitted of all the charges framed against him.

Learned counsel for the applicant/petitioner requests for an adjournment to deposit an amount equal to 20% of the cheque amount with High Court Legal Services Committee in compliance of the directions issued by Hon’ble

the Supreme Court in Damodar S. Prabhu Vs. Sayed Babalal H. (2010) 5 SCC 663.

List again on 19.2.2024.”

6. Today, learned counsel for the petitioner submitted that in compliance of order dated 31.01.2024, the petitioner has deposited an amount of Rs.1,10,000/- towards 20% of the cheque amount and has also furnished a photocopy of the deposit receipt dated 13.02.2024, which is taken on record.
7. In view of the aforestated position, wherein matter stands amicably resolved and learned counsel for the complainant/respondent No.2 had affirmed the factum of compromise and receipt of the amount and had stated that the complainant has no objection in case the conviction of the petitioner is set aside as well as having regard to the fact that offence under Section 138 of the Act is a compoundable offence and can be compounded at any stage, the present revision petition is allowed and the judgment of conviction and order of sentence dated 02.09.2019 as well as order in appeal dated 19.01.2022 are set aside and the petitioner is acquitted of the charge.
8. The petitioner be released forthwith in case he is not required in any other case.
9. Pending application, if any, stands disposed of as well.

01.03.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

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