

CRR-1022-2023 (O&M)
Date of Decision: 24.01.2023

...Petitioners

V/S

...Respondents

CRR-1036-2023 (O&M)
Date of Decision: 24.01.2023

...Petitioners

V/S

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harshit Joon, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Vikas Mohan Gupta, Advocate
for respondent(s) No. 2.

HARPREET SINGH BRAR J. (Oral)

1. The present revision petitions are decided by this common order, however, the facts are borrowed from CRR-1022-2023.
2. The present revision petitions have been preferred against the impugned judgment and order of sentence dated 22.05.2019/31.05.2019 passed by Judicial Magistrate Ist Class, Sonipat and order dated 29.03.2023 passed by learned Additional Sessions Judge, Sonipat, affirming the judgment of the trial Court, vide which the petitioner was awarded simple imprisonment for a period of 01 years for an offence punishable under Section 138 of Negotiable Instruments Act. The petitioner was further

directed to pay Rs. 7,50,000/- and Rs. 6,00,000/- respectively as compensation(s) to the complainant. On 18.07.2023, both the parties made a joint statement that there is a possibility of compromise between the parties and accordingly, the matter was referred to Mediation and Conciliation Centre of this Court.

3. On 15.11.2023, following order was passed:

“Report has been received from the Mediation and Conciliation Centre of this Court that the dispute has been amicably settled. A request for adjournment has been made in order to get instructions and to deposit the amount in terms of the judgment Damodar S. Prabhu Versus Sayad Babulal H., 2010(2) R.C.R. (Criminal) 851.

Counsel for the complainant/respondent No. 2 submits that in terms of the compromise, an amount of Rs. 2.5 lakh has been received by him in cash today.

List on 24.01.2024.”

3. Learned counsel representing respondent No. 2 submits that he has no objection in case the impugned judgment of conviction and order on quantum of sentence dated 22.05.2019/31.05.2019 passed by Judicial Magistrate Ist Class, Sonipat and order dated 29.03.2023 passed by learned Additional Sessions Judge, Sonipat, affirming the judgment of the trial Court are set aside and petitioners are acquitted of the charges framed against them, on the basis of compromise and respondent No. 2 has no objection for compounding of the offence under Section 138 of Negotiable Instruments Act. Learned counsel further submits that in compliance of the order dated 21.04.2023/25.04.2023 (passed in the instant petitions), passed by this Court, 30% of the cheque amount was deposited by the petitioner before the trial Court.

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4. Learned counsel for the petitioner(s) submits that he has no objection in case the 30% of the cheque amount in both the cases, deposited by him before the trial Court is released to respondent(s) No. 2.
5. Keeping in view the ration of law laid down by Hon’ble Supreme Court in *Damodar S. Prabhu v. Sayed Babalal H. 2010 (5) SCC 663* and the report of the Mediation and Conciliation Centre of this Court, the impugned judgment and order of conviction dated 22.05.2019/31.05.2019 passed by Judicial Magistrate Ist Class, Sonipat and order dated 29.03.2023 passed by learned Additional Sessions Judge, Sonipat, affirming the judgment of the trial Court are set aside. Petitioner is acquitted of the charges framed against him and his bail bonds and surety bonds stands discharges.
6. Learned trial Court is directed to release the 30% of the cheque(s) amount deposited in compliance of the order dated 21.04.2023/25.04.2023 (passed in the instant petitions) passed by this Court, to respondent No. 2 against proper receipt and retain the same on the record.
7. The present petitions are disposed of accordingly.

24.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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