



Daily Lok Adalat
501

Bench No.1

CRR-2262-2013

AMARJEET VS. JOGENDER

Present:- Mr. Sat Narain Yadav, Advocate
for the petitioner.

Mr. Karan Singh, Advocate
for the respondent.

The present revision petition is by petitioner-Amarjeet against the conviction and sentence under Section 138 of the Negotiable Instruments Act, 1881.

The facts are that he was convicted under Section 138 of the Negotiable Instruments Act, in a complaint filed by the complainant-Jogender qua dishonouring of five cheques bearing Cheque No.001155 dated 05.04.2010, Cheque No. 001156 dated 20.04.2010, cheque No.001159 dated 20.06.2010, cheque No.001158 dated 15.05.2010, cheque No.001157 dated 02.05.2010 for Rs.50,000/- each in favour of the complainant drawn on Farrukh Nagar District Gurgaon and was sentenced to undergo simple imprisonment of 6 months and in default of payment of fine, he shall further undergo simple imprisonment for three month and also to pay the amount of Rs.3,50,000/- (cheques amount of Rs.2,50,000/- and Rs.1,00,000/- as compensation) by JMIC 1st Class, Gurgaon vide order dated 22.10.2012. The appeal filed by the petitioner against the said conviction and sentence was dismissed on 16.07.2013 by the Sessions Judge, Gurgaon.

The petitioner has preferred the present revision petition before this Hon'ble Court. The matter has been referred to Lok Adalat for settlement. During the pendency of the revision, petitioner had deposited Rs.3,50,000/- as per the direction of trial Court and was released on bail vide order dated 22.07.2013 passed by this Hon'ble High Court.

The matter had been settled and the statements of the learned counsel for the parties has been recorded. Learned counsel for the respondent, on instructions from the respondent, has made a statement that the respondent has entered into a settlement with accused Amarjeet and has received the entire amount of cheque

along with compensation as per the direction of the trial Court and he has no objection if the accused-petitioner is discharged/acquitted in view of the settlement/compounding. On instructions from the petitioner, learned counsel for the petitioner has also endorsed the settlement entered between the petitioner and complainant and having paid the entire cheque amount along with compensation as per the order of trial Court.

The matter has been compromised between the parties. The settled amount has been paid to the complainant as stated by both learned counsel for the parties in their statements. In the background of the said facts, we allow the petitioner-Amarjeet to compound the offence. The natural corollary is that conviction and sentence, so recorded by the trial Court and upheld by the Appellate Court to petitioner-Amarjeet is set aside and he stands acquitted of the charges levelled against him.

Accordingly, the revision petition is disposed of in the afore-stated terms.

Copy of the order and statement be given to learned counsel/parties.

Copy of the order be also sent to the concerned authorities.

(J.C. VERMA)
PRESIDENT

12.11 .2024
Atul

(ARVIND KUMAR)
MEMBER