

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

(108)

CRR-936-2018 (O&M)
Date of Decision:-31.01.2024

Mani Ram

.....Petitioner

Versus

State of Punjab and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. D.R. Punia, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

Mr. S.S. Thakur, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

1. The present petition has been filed by the petitioner on the ground that respondent No.2/complainant filed a complaint under Section 138 of Negotiable Instruments Act for dishonor of a cheque of Rs.1,24,000/- with the remarks "payment stopped by drawer" and the complaint was allowed vide judgment dated 08.12.2015 passed by Sub Divisional Judicial Magistrate, Phillaur. The petitioner was sentenced to undergo rigorous imprisonment for one year and was ordered to pay compensation of Rs.1,24,000/- to respondent No.2. Subsequently, the petitioner preferred an appeal before the Additional Sessions Judge at Jalandhar and the same also came to be dismissed vide judgment dated 19.01.2018, hence the present revision petition.

2. At the outset, learned counsel for respondent No.2 has

submitted that respondent No.2 was informed about the pendency of the petition and the order dated 14.12.2023 whereby the respondent No.2 was specifically told to be present in the Court and, in case, he wishes to change the counsel, the same may be done, but he has not complied with the same, hence, counsel for respondent No.2 submits that he has no instructions in this matter.

3. Learned counsel for the petitioner has argued and submitted that an application bearing CRM-8937-2018 was filed under Section 147 of Negotiable Instruments Act, whereby the applicant-petitioner had sought the compounding of the offence and vide order dated 18.01.2021, it was recorded that the Demand Draft of Rs.1,24,000/- has been handed over to the complainant.

4. In light of the above, by invoking the provisions of Section 147 of Negotiable Instruments Act, the offence under Section 138 of Negotiable Instruments Act stands compounded and the judgment dated 08.12.2015 passed by Sub Divisional Judicial Magistrate, Phillaur and the judgment dated 19.01.2018 passed by Additional Sessions Judge, Jalandhar is hereby set aside.

5. Accordingly, the revision-petition stands disposed of in the above mentioned terms.

6. Pending miscellaneous application(s), if any, also stands disposed of.

(ALOK JAIN)
JUDGE

January 31, 2024

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Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No