



CRR-1846-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1846-2022 (O&M)

Date of decision : May 22, 2024

Sandeep Singh

....Petitioner

VERSUS

The State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jagjeet Singh, Advocate, for the petitioner
Mr. Pardeep Bajaj, DAG, Punjab
Ms. Meena, Advocate, for respondent No. 2

KULDEEP TIWARI, J. (ORAL)

1. The instant revision petition has been filed to throw challenge to the judgment of conviction dated 9.3.2020, whereby, the petitioner has been convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, as well as order of sentence of even date, whereby, the petitioner has been sentenced to undergo RI for a period of one year, under Section 138 of the NI Act, and also to pay compensation, amounting to Rs 3,00,000/- to the complainant, under Section 357(3) Cr.P.C., and in default of payment of compensation, to further undergo RI for a period of 2 months.

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2. Having aggrieved by the judgment of conviction and order of sentence (*supra*), the petitioner preferred statutory appeal. However, he remained unsuccessful, and the same was also dismissed, vide judgment dated 18.5.2022 by the learned appellate court concerned. This has caused grievance to the petitioner, and propelled him to file the instant revision petition.

3. It is apt to note that at the time of pronouncement of the judgment by the learned appellate court concerned, the petitioner remained absent, and therefore, the learned appellate court concerned, directed the learned Chief Judicial Magistrate concerned, to procure the presence of the petitioner, and send him to judicial lock up for serving his substantive sentence as ordered by the learned trial court concerned.

4. During the pendency of the instant petition, learned counsel for the petitioner submits that the petitioner is ready, and willing to surrender before the learned trial court concerned, in order to honour the sentence, as imposed upon him. On the directions issued by this Court, vide order dated, 15.5.2024, the petitioner caused appearance before the learned trial court concerned, and thereupon, he was taken to judicial custody, and was sent to jail.

5. Thereafter, an application bearing CRM-41584-2023, has been filed before this Court under Section 147 of the Negotiable

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Instruments Act, read with Section 320 of Cr.P.C., for compounding of the offence, alleging therein, that the matter has been compromised, *inter-se* the parties, and the settled amount has already been paid to the complainant.

6. Upon notice in the application, Ms. Meena, Advocate, has caused appearance on behalf of respondent No. 2/complainant, and admitted the factum of compromise. She further submits that, since the petitioner has discharged his liability, therefore, she has no objection in case the petitioner is acquitted from the charges framed against him.

7. This Court has heard learned counsel for the parties concerned, and have gone through the record with their able assistance.

8. The Hon'ble Supreme Court in ***Shakuntla Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

9. Be that as it may, keeping in view the fact that, the dispute has been amicably settled *inter se* the parties, inasmuch as, the petitioner has made the entire payment of the settled amount, and that, the offence in question are compoundable, and that,

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compounding can be allowed at any stage, this Court is constrained to allow the instant petition.

10. Consequently, the instant revision petition is **allowed**, and, the petitioner is **acquitted** of the charges/notice of accusation framed against him. The impugned verdict of conviction, and order of sentence dated 9.3.2020, as passed by the learned Judicial Magistrate 1st Class, Amritsar, is set aside. Moreover, the impugned verdict dated 18.5.2022, whereby, the learned Additional Sessions Judge, Amritsar, had upheld the conviction of the petitioner, is also set aside.

11. The petitioner is directed to be released from custody, if not required in any other case. His bail bonds, and surety bonds, if any, also stand discharged.

12. All pending application(s) stand disposed of accordingly.

13. The copy of this order be given to the learned counsel for the petitioner, under the signatures of the Bench Secretary.

May 22, 2024

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**(KULDEEP TIWARI)
JUDGE***Whether speaking/reasoned ?*

Yes/No

Whether Reportable ?

Yes/No