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

CRR-1693-2024 (O&M)

Date of Decision:- 26.11.2024

Amrit Pal

....Petitioner

Vs.

Sandeep Chopra

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kashish Garg, Advocate for the petitioner.

Mr. J.K. Singla, Advocate for the respondent.

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Amrit Pal has filed criminal revision against judgment of conviction and order on quantum of sentence dated 08.11.2017 passed by learned Judicial Magistrate First Class, Bathinda, whereby, he was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine to the tune of ₹3,000/- and in default of payment of fine, to further undergo simple imprisonment for one month in complaint No. COMA/277/2015, titled “Sandeep Chopra Vs. Amrit Pal”, under Section 138 of Negotiable Instruments Act, 1881. Appeal preferred against said judgment of conviction and order on quantum of sentence was dismissed vide judgment/order dated 21.08.2024 passed by learned Additional Sessions Judge, Bathinda and further compensation amount was enhanced to the tune of cheque amount i.e. ₹7.5 lakh alongwith interest @9% per annum from the date of issuance of cheque till realization. Feeling aggrieved of aforesaid judgment/order dated 21.08.2024, present revision has been filed.

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2. Learned counsel for petitioner filed application bearing CRM No. 42937 of 2024 under Section 147 of Negotiable Instruments Act, 1881 for compounding of offence under Section 138 of Negotiable Instruments Act, 1881, with prayer to acquit petitioner/convict. It is pointed out that matter has been compromised, as a result, Sandeep Chopra respondent/complainant has furnished affidavit dated 23.10.2024. Original Affidavit is also annexed with application. In view of terms of compromise arrived at between the parties, petitioner/convict and respondent/complainant, offence may be compounded.

3. Sh. J.K. Singla, Advocate appearing on behalf of respondent/complainant confirmed aforesaid affidavit as well as terms and conditions of compromise arrived at between the parties.

4. Custody certificate dated 25.11.2024 of petitioner filed by State of Punjab is taken on record, subject to all just exceptions, according to which he is in custody since 21.08.2024.

5. I have considered the application filed by petitioner/convict alongwith respondent/complainant under Section 147 of Negotiable Instruments Act for compounding of offence. It is matter of record that petitioner was convicted by trial Court and appeal preferred by him was declined, as referred above. During the pendency of criminal revision pending before this Court, matter has been compromised. Considering the aforesaid factual position, application bearing CRM No. 42937 of 2024 filed by petitioner/convict under Section 147 of Negotiable Instruments Act for compounding of offence under Section 138 of Negotiable Instruments Act is allowed on the basis of compromise. Gainful reference can be made to the judgment of Supreme Court of India in case titled "**Damodar S. Prabhu Versus Sayed Babalal H.**" 2010(5) SCC 663. It is kept in mind

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that at present petitioner is behind the bars.

Consequently, judgment of conviction and order on quantum of sentence dated 08.11.2017 passed by learned Judicial Magistrate First Class, Bathinda and judgment/order in appeal dated 21.08.2024 passed by learned Additional Sessions Judge, Bathinda are accordingly set aside, on the basis of compromise and petitioner is acquitted under the provisions of Section 138 of Negotiable Instruments Act, 1881, subject to condition that he will deposit 10% of cheque amount as cost of compounding with High Court Legal Services Committee, Punjab and Haryana High Court, Chandigarh.

6. With aforesaid observation, criminal revision is accordingly, disposed of.

7. Pending miscellaneous application, if any, shall also stands disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

26.11.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No