



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

CRR-1804-2024 (O&M)
Date of Decision : 29.10.2024

JASMINDER SINGH AND ANOTHERPetitioner

VERSUS

STATE OF U.T. CHANDIGARH AND ANOTHER
.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Diwan S.Adlakha, Advocate,
for the petitioner.

Mr. Anupam Bansal, Addl.P.P., UT, Chandigarh.

Mr. Samir Rathaur, Advocate,
for respondent no.2/complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant revision petition, challenge is thrown to the verdict of conviction and consequent thereto order of sentence dated 17.08.2018, whereby, the learned Judicial Magistrate Ist Class, Chandigarh, has convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'), and, sentenced him to undergo rigorous imprisonment for six months along with further direction to pay compensation of Rs.1,00,000/- within a period of one month.
2. In addition, the petitioner has also assailed the verdict dated 05.09.2014, whereby, the learned Additional Sessions Judge, Chandigarh,

has dismissed the statutory appeal filed by the petitioner, and upheld the verdict of conviction and order of sentence (*supra*).

3. Along with the instant revision petition, an application bearing No.CRM-37575-2024, has been filed under Section 147 of the Negotiable Instruments Act, 1881, read with Sections 359 and 528 of BNSS, seeking compounding of offence.

4. Learned counsel for the petitioners submits that the petitioner No.1, has offered to pay the entire cheque amount, as well as the compensation amount, which has been imposed upon him, by the learned trial Court concerned. In order to show his *bona fide*, today, learned counsel for the petitioner has brought a demand drafts bearing Nos.000176 and 129895, dated 27.08.2024 and 27.09.2024, amounting to Rs.2,00,000/- each, drawn in favour of respondent No.2. The photocopies of the same are placed on record today, in the Court, which are marked as Mark A-1 and Mark A-2, respectively.

5. Learned counsel for the petitioner has now handed over the aforesaid demand drafts to learned counsel for the respondent no.2/complainant, which has been duly accepted by him in the Court today itself, for the latter to hand-over the same to respondent no.2/complainant.

6. Learned counsel for respondent no.2/complainant, submits that he has instructions to accept the said amount, as given by the petitioner; and to extend no objection for allowing the application for compounding of offence, under Section 141 of the Negotiable Instruments Act, 1881 read with Section 359 and 528 BNSS.

7. On the other hand, learned APP, has placed on record a custody certificate *qua* the petitioner, which is taken on record. As per the custody certificate, the petitioner has suffered incarceration of about 28 days, as on today.

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

6. This Court, vide order dated 30.09.2024, suspended the remaining sentence of the petitioner.

7. 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.....”

8. Be that as it may, keeping in view the fact that: (i) the dispute has been amicably settled between the parties concerned, inasmuch as, the petitioner has made the entire payment of disputed amount to the respondent/complainant; (ii) the offences in question are compoundable; and (iii) compounding can be allowed at any stage, this Court deems it fit and appropriate to allow the instant petition.

9. Consequently, the instant revision petition is **allowed**, and, the petitioner is **acquitted** of the charges/notice of accusation served upon him. The impugned verdict of conviction and order of sentence

dated 17.08.2018, as passed by the learned trial Court concerned, is **set aside**. Moreover, the impugned verdict dated 05.09.2014, whereby, the learned Additional Sessions Judge concerned, had upheld the conviction of the petitioner, is also **set aside**.

10. The petitioner is directed to be released from custody, if still in the custody in the instant matter, and not required in any other matter. His bail bonds and surety bonds, if any, also stand discharged.

11. All pending application(s), if any, stand disposed of accordingly.

October 29, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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