



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

CRR-2067-2024 (O&M)

Date of Decision : **28.10.2024**

SATYA PARKASH KAUSHIK

.....Petitioners

VERSUS

SATYA PAL AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vivek Sheoran, Advocate,
for the petitioners.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Jitender Dhanda, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. This Court vide order dated 22.10.2024, passed the following order:

“Through the instant petition, challenge is thrown to the judgment and order dated 7.2.2018 and 12.2.2018, whereby, the petitioner has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for the period of one year and to pay the compensation i.e. double of the cheque amount i.e. Rs.2,40,000/- to the complainant as well as the judgment dated 14.10.2024, whereby, the statutory appeal preferred by the petitioner was dismissed.

Learned counsel for the petitioner inter-alia submits that the petitioner is ready and willing to deposit the entire compensation amount imposed upon him i.e. Rs.2,40,000/-. He further submits that he has already deposited Rs.48,000/- before the Appellate Court in compliance to the direction issued under Section 143-A of the Negotiable Instruments Act, 1881, and he is now ready and willing to pay the remaining amount of Rs.1,92,000/- in the shape of demand draft drawn in favour of the complainant today itself.

Notice of motion for 28.10.2024.

Dasti as well.

Mr. Abhinash Jain, DAG, Haryana, waives service on behalf of the respondent-State. He is directed to file the custody certificate on or before the next date of hearing.

Let notice be issued to respondent No.1 for the date fixed on furnishing of requisite process fee.

Learned counsel for the petitioner is permitted to submit the demand draft with the Registry of this Court.

To be shown in the urgent list.”

2. Learned counsel for the petitioner submits in view of the undertaking given in the hereinabove extracted order, the petitioner has submitted a demand draft of Rs.1,92,000/- drawn in favour of the complainant, with the Registry of this Court.

3. At this stage, Mr. Jitender Dhanda, Advocate, has caused appearance on behalf of respondent no.1/complainant, submits that in case the petitioner has deposited the entire amount as claimed, he has no objection of compounding the offence committed by the present petitioner under Section 138 of the Negotiable Instruments Act, 1881, in view of Section 143 thereof.

4. He further submits that the amount which has been deposited by the present petitioner in the shape of demand draft, be ordered to be handed over to respondent no.1/complainant, and also the amount which is lying deposited with the learned first appellate court concerned, be also ordered to be released in favour of respondent no.1/complainant.

5. On the other hand, learned State counsel has filed a custody certificate *qua* the petitioner, today in court, which is taken on record. As

per the custody certificate, petitioner has suffered incarceration of 14 days, as on today.

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

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 to the respondent no.1/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.

10. Consequently, the instant revision petition is **allowed**, and, the petitioner is **acquitted** of the notice of accusation served upon him. The impugned verdict of conviction and order of sentence dated 07.02.2018 and 12.02.2018, respectively as passed by the learned trial Court concerned, is set aside. Moreover, the impugned verdict dated 14.10.2024, whereby, the learned Additional Sessions Judge concerned, 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. The Registry of this Court is directed to hand over the demand draft, as submitted by the petitioner, as per the direction issued by this Court, vide order dated 22.10.2024, to the respondent no.1/complainant forthwith.

13. The amount which has been deposited by the present petitioner with the learned appellate court concerned, shall also be released in favour of respondent no.1/complainant, if not already released.

14. All pending application(s), if any, also stand **disposed** of accordingly.

October 28, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

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