

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

111

CRR-3409-2019 (O&M)

Date of Decision : December 05, 2024

BINDER SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. M.K. Dhot, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Arun Kumar Goyat, Advocate for
Mr. H.S. Deol, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant revision petition, the petitioner has assailed the verdict of conviction and consequent thereto order of sentence dated 17.08.2017, whereby, the learned Magistrate concerned has convicted him 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 R.I. for 02 years and to pay fine of ₹ 5000/-. In default of payment of fine, the petitioner was sentenced to further undergo S.I. for 20 days. Moreover, the complainant was also awarded the amount of cheque i.e. ₹ 722000/- from the petitioner by way of compensation under Section 357 Cr.P.C.
2. In addition, the petitioner has also assailed the verdict dated 04.10.2019, whereby, the learned Additional Sessions Judge concerned

has dismissed the statutory appeal filed by the petitioner against the verdict of conviction & order of sentence(supra). Moreover, since the petitioner was absent on the date of dismissal of his statutory appeal, a specific direction was also issued by the appellate court to the learned Magistrate concerned for taking the petitioner in custody through issuance of warrants of arrest against him, for execution of sentence of imprisonment, as imposed upon him.

3. During pendency of the instant revision petition, the matter became compromised between the parties, whereupon, this Court, vide order dated 25.02.2020, granted interim bail to the petitioner and directed him to deposit 15% of the cheque amount before this High Court's Legal Services Committee, in accordance with the mandate of Hon'ble the Supreme Court in "*Damodar S. Prabhu Vs. Sayed Babalal H. (2010) 5 SCC 663*."

4. Today, the learned counsel for the petitioner has submitted that, the directions (supra) have been complied with by the petitioner through his depositing 15% of the cheque amount, i.e. ₹ 1,09,000/-, before this High Court's Legal Services Committee.

5. The learned counsel for the respondent No.2/complainant has also admitted the factum of compromise and submitted that, since the petitioner has discharged his liability, therefore, the respondent No.2/complainant has no objection in case he is acquitted from the charges framed against him.

6. I have heard learned counsel for the parties 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 the dispute has been amicably settled between the parties, inasmuch as, the petitioner has made the entire payment to the respondent No.2/complainant, and that, the offence in question is compoundable, and that, compounding can be allowed at any stage, this Court deems it 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 framed against him. The impugned verdict of conviction and order of sentence dated 17.08.2017, as passed by the learned Additional Chief Judicial Magistrate, Sangrur, is set aside. Moreover, the impugned verdict dated 04.10.2019, whereby, the learned Additional Sessions Judge, Sangrur, had upheld the conviction of the petitioner, is also set aside.

10. Bail bonds and surety bonds of the petitioner, if any, also stand discharged.

11. Pending application(s) stands disposed of accordingly.

December 05, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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