

Daily Lok AdalatBench No.1

516

CRR-1743-2024

Jaswinder Singh VS. Bachittar Singh

Present: Mr. Manish Gilhotra, Advocate for
Mr. Hasrat Brar, Advocate alongwith
Mr. Jaswinder Singh-petitioner in person.

Mr. Ajam Khan, Advocate alongwith
Mr. Bachittar Singh-respondent in person

The present revision petition has been filed against the judgment of conviction and order on quantum of sentence, both dated 19.02.2024, passed by the Court of learned Judicial Magistrate First Class, Ferozepur in complaint bearing NACT No. 7 /2021, titled as Bachittar Singh vs. Jaswinder Singh, filed under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N. I. Act') read with Section 420 IPC, whereby the petitioner was held guilty for commission of offence punishable under Section 138 of the N. I. Act and was sentenced to undergo rigorous imprisonment for a period of Nine Months and to pay the compensation to the tune of the cheque amount along with interest @ 9% per annum from the date of issuance of cheque till today. The petitioner has also laid challenge to the judgment dated 24.07.2024, passed by the Court of learned Additional District and Sessions Judge-cum-Fast Tract Court, Ferozepur whereby the appeal of the petitioner had been dismissed on 24.07.2024.

Brief facts of the case relevant for the purpose of disposal of this revision petition are that the petitioner had taken a friendly loan from the respondent/complainant for a sum of Rs.3,00,000/- for which he issued a cheque for a sum of Rs.3,00,000/- drawn at Vijaya Bank, Branch Ferozepur to respondent/complainant in discharge of his legally enforceable liability but it was dishonoured with the remarks 'Account Blocked'. He was served with a legal notice dated 20.11.2020 but he failed to make payment within the time stipulated. Aggrieved from the same, the complainant filed the aforesaid complaint under Section 138 of N. I. Act, in which, the petitioner was held guilty and sentenced as mentioned above. His appeal too was dismissed by the learned appellate Court. Hence, the present revision petition.

This case has been listed before this Forum for the purpose of settlement. An amicable settlement has been arrived at between the petitioner and respondent/complainant. In pursuance of the said settlement, the entire disputed amount has been given by the petitioner to the respondent/complainant. It is also settled that an amount of Rs.82,500/- which has been deposited by the petitioner in the Hon'ble High Court at the time of bail shall also be given to the respondent/complainant.



Respondent/complainant also admits the factum of the above stated settlement having been arrived between the parties and about receipt of entire disputed amount except an amount of Rs.82,500/- which has been deposited in the Hon'ble High Court at the time of bail. Respondent/complainant has no objection if the offence is compounded in favour of the petitioner and the judgment of conviction and order of sentence recorded by learned trial Court and affirmed by learned appellate Court are quashed and set aside.

Separate statements of the petitioner as well as the respondent/complainant have been recorded before this Forum to the aforesaid effect.

In the instant case, as discussed above, the parties have settled their dispute amicably, in pursuance of which, the entire disputed amount has been paid by the petitioner to respondent/complainant. It is also settled that a sum Rs.82,500/- which has been deposited by the petitioner in the Hon'ble High Court at the time of bail shall also be paid to the respondent/complainant.

In the light of the above facts and circumstances of the case, this Forum is of the considered opinion that the offence deserves to be compounded in favour of the petitioner. Accordingly, in view of the statements of the parties, the present petition is allowed and the judgment of conviction and order of quantum of sentence, both dated 19.02.2024 passed by the learned trial Magistrate as well as the judgment dated 24.07.2024 passed by the learned appellate Court are set aside. The offence for which the petitioner was convicted stands compounded and the petitioner is acquitted on account of such compounding. The petition stands disposed of. The bail and surety bonds of the petitioner be discharged.

In view of the above, an amount of Rs.82,500/- deposited by the petitioner at the time of bail be released in favour of the respondent/complainant as per the aforesaid settlement as per rule.

(J.C. VERMA)
PRESIDENT

(ARVIND KUMAR)
MEMBER

01.07.2026
rajeev