

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 938 of 2007 (O&M)

Date of decision : May 30, 2007

Himesh Raj Sabhlok

....Petitioner

versus

M/s Dwarka Dass Jewellers

....Respondent

Coram: Hon'ble Mr. Justice Pritam Pal

Present : Mr. Vishal Sodhi, Advocate, for the petitioner
Mr. S.L. Bhalla, Advocate, for the respondent
Mr. Pardeep Kumar Malhotra, respondent in person
Mr. Sandeep Moudgil, DAG Punjab

Pritam Pal,J. (Oral)

This revision petition by Himesh Raj Sabhlok petitioner is directed against the judgment and order dated 21.12.2006 passed by the learned Chief Judicial Magistrate, Fatehgarh Sahib whereby the petitioner had been convicted and sentenced to undergo RI for one year with a fine of Rs 5000/-, in default of payment of fine, he was ordered to undergo further RI for one year under section 138 of the Negotiable Instruments Act and also against the judgment and order dated 16.5.2007 whereby appeal filed by the petitioner was also dismissed by the Additional Sessions Judge, Fatehgarh Sahib.

Suffice it to say that the cheque issued by the petitioner worth Rs 2,50,000/- to the respondent was dis-honoured and on that count he was tried, convicted and sentenced as indicated above. Now during the

pendency of this revision petition, the parties have arrived at compromise. In this regard compromise deed Annexure P/1 has also been placed on the file.

Learned counsel for the petitioner has relied upon a judgment rendered in **Anil Kumar Haritwal and another vs Alka Gupta and another** (2004) 4 Supreme Court Cases 366, wherein, in such like cases the Apex Court held that if a compromise is arrived at between the parties at any stage, the permission to compound such offence should be allowed by the court. At the same time, it has also been observed that conviction and sentence of the defaulter be also set aside. The learned counsel for the respondent has fairly admitted that the entire amount of the bounced cheque has already been paid to the respondent and now the parties have settled the matter amicably.

Taking into consideration the aforesaid facts and circumstances, I feel that no useful purpose will be served by deciding this revision petition on merits. Hence, the application of the parties to compound the offence is allowed.

Consequently, this revision petition filed by the petitioner succeeds and orders of conviction and sentence passed by the courts below are hereby set aside.

The petitioner is stated to be in custody. He be released forthwith, if not required in any other case.

Copy of the order be given Dasti on payment of usual charges.

May 30, 2007
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(Pritam Pal)
Judge

