

CRR-171-2018

BI-MONTHLY LOK ADALAT

CRR-171-2018

Date of Decision: 30.11.2019

Kashmir Singh

----Petitioner

Versus

The Kaithal DPARD Branch Cheeka and another

----Respondents

Present: Mr. Randeep Singh, Advocate For the petitioner.

Ms. Pushpinder Kaur, Advocate for respondent No.1.

Mr. Saurabh Mago, AAG, Haryana.

Suvir Sehgal, President

Ms. Pushpinder Kaur, Advocate has filed Vakalatnama on behalf of respondent No.1-complainant. The same be taken on record.

The proceedings under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') were initiated against the petitioner by the respondent the Kaithal DPARD Branch Cheeka, Tehsil Guhla, District Kaithal. Vide judgment dated 16.05.2015, accused petitioner was convicted of the offence under Section 138 of the Act and he was sentenced to undergo simple imprisonment for a period of six months and to pay the double amount of the cheque as compensation. In default thereof, the petitioner shall further undergo simple imprisonment for six months. He remained unsuccessful in appeal. Learned Additional Sessions Judge vide

judgment dated 07.12.2017 dismissed his appeal, thereby upholding his conviction and sentence.

Aggrieved there against, the petitioner filed the present Criminal Revision. During the pendency of the revision, the matter was referred to Bi-monthly Lok Adalat. Ms. Pushpinder Kaur, Advocate appeared on behalf of respondent No.1. She made the statement before the Bi-monthly Lok Adalat, which is reproduced as under: -

“On instructions, states that the Kaithal DPARD Branch Cheeka-respondent No.1, who is the complainant has received the entire cheque amount along with expenditure etc. and I on behalf of the complainant withdraw the complaint. The judgment of conviction and sentence of both the courts below be set aside and the accused-revisionist may be acquitted in this case. The Bank has satisfied its claim.”

As is apparent from the statement, the Bank has received the entire cheque amount and has withdrawn the complaint filed against the petitioner. Resultantly, the judgment of conviction and sentence passed against the petitioner by the trial Court and affirmed by the Sessions Court is hereby set aside and he is acquitted of the charge framed against him under Section 138 of the Act.

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Accordingly, the Criminal Revision is allowed in the above terms.

(Suvir Sehgal)
President

(Sanjeev Sharma)
Member

Dt. 30.11.2019
Atul