
(2000) 08 P&H CK 0060
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 657 of 2000

Sahukar Distributors

APPELLANT

Vs

R.V. Enterprises

RESPONDENT

Date of Decision : 10-08-2000

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138, 142

Citation : (2001) 1 ALD(Cri) 749 : (2001) 1 CivCC 394 : (2001) 1 RCR(Criminal) 541

Hon'ble Judges : Amar Dutt, J

Bench : Single Bench

Advocate : Mr. Ajay Lamba, Mr. Rajesh Khurana, for the Appellant; Mr. R.K. Sharma, for the Respondent

Judgement

Amar Dutt, J.—M/s. Sahukar Distributors and two others have filed the present revision for challenging the conviction and sentence imposed upon them by the Judicial Magistrate, I Class, Chandigarh on 24.12.1998 which was upheld by the Additional Sessions Judge, on 7.6.2000.

2. The solitary ground on which reversal of the view taken by the courts below is being sought is that the dispute which existed between them and M/s. R.V. Enterprises has been resolved and the respondent had received the amounts due from the petitioners on account of dis-honoured cheque issued by them.

3. This assertion is not disputed by Shri R.K. Sharma appearing on behalf of the respondent No. 1, who has while accepting the notice corroborated the submissions put forth by the petitioners' counsel.

4. In view of this, it is submitted on behalf of the petitioners on the basis of judgments in Naimesh P. Pandya v. State of Gujarat 1996 (1) RCR 389 and Rakesh Kumar v. Ajit Steel Industries 1999 ISJ 417 that as the offences under the Negotiable Instruments Act are compoundable, therefore, in view of the affirmation of the stand put forth by the petitioners regarding the dispute having

been compromised, the revision petition should be allowed and the petitioners be acquitted.

5. I have heard Shri Rajesh Khurana, appearing for the petitioners, Shri R.K. Sharma, appearing for respondent No. 1 and Shri Ajay Lamba, Standing Counsel for U.T. Chandigarh and perused the authorities cited. The observations contained therein clearly support the submissions put forth by the learned Counsel for the petitioners. In view of this, the revision petition is allowed, the conviction and sentence recorded against the petitioners is set aside and the petitioners are acquitted of the charges framed against them.

6. Revision allowed.