
(2012) 09 SHI CK 0104

In the High Court Of Himachal Pradesh

Case No : Criminal MP. No. 770 of 2012 and Criminal Revision No. 2 of 2012

Sh. Pawan Chauhan

APPELLANT

Vs

I.C.I.C.I. Bank Ltd. and State of H.P.

RESPONDENT

Date of Decision : 05-09-2012

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138, 147

Citation : (2012) 09 SHI CK 0104

Hon'ble Judges : Kuldeep Singh, J

Bench : Single Bench

Advocate : M.S. Thakur, for the Appellant; Vijay Kumar Verma, Advocate and Ms. Ruma Kaushik, A.A.G., for the Respondent

Judgement

Kuldeep Singh, J.—The respondent No. 1 had filed complaint u/s 138 of the Negotiable Instrument Act, 1881(for short, the Act) against petitioner in the Court of Judicial Magistrate Ist Class, Court No. (VI), Shimla. The petitioner was convicted and sentenced u/s 138 of the Act on 12.11.2009. The appeal filed by the petitioner against his conviction and sentence was dismissed by learned Sessions Judge, Shimla on 11.11.2011, affirming the conviction and sentence imposed by the learned trial Court. Thereafter petitioner has filed the revision. The Learned Counsel for the petitioner and respondent No. 1 have jointly stated that the petitioner and respondent No. 1 have settled the dispute out side the Court and they have filed joint application u/s 147 of the Act. They further stated that the application has been signed by petitioner and respondent No. 1 as well as by their counsel. The application is supported by affidavits of petitioner and Varinder Kanyan, Chief Manager of respondent No. 1. The Learned Counsel for the respondent No. 1 has stated that respondent No. 1 has no objection, if the conviction and sentence imposed by learned Judicial Magistrate Ist Class, Court No. (VI), Shimla on 12.11.2009 in Cr. Complaint No. 79/3 of 2007, affirmed by learned Sessions Judge, Shimla on 11.11.2011 in Cr. Appeal No. 108-S/10 of 2009 are set aside and petitioner is acquitted.

2. I have gone through the application dated 28.8.2012, I am satisfied that the petitioner and respondent No. 1 have amicably settled the dispute. In these circumstances, the application is allowed. The conviction and sentence u/s 138 of the Act imposed by learned Judicial Magistrate Ist Class, Court No. (VI), Shimla 12.11.2009 in Cr. Complaint No. 79/3 of 2007 and affirmed by learned Sessions Judge, Shimla on 11.11.2011 in Cr. Appeal No. 108-S/10 of 2009 are set aside. The petitioner is acquitted of the accusation u/s 138 of the Act. The Learned Counsel for the petitioner has stated that petitioner has deposited Rs. 680/- being 15% of the cheque amount in the Registry of this Court. This amount of Rs. 680/- deposited by petitioner in the Registry, shall be remitted in the H.P. High Court Legal Services Committee account in terms of Damodar S. Prabhu Versus Sayed Babalal H. 2010(5) SCC 663. The petition stands disposed of on the above terms, so also the pending application.