

examination of a Hand-writing Expert to compare the writing on the body of the cheque, which has been asserted by the petitioner to have not been written by him does not have any material significance especially when the signatures on the cheque have been admitted by the petitioner. It is neither the case of the complainant nor has it been asserted by him that the cheque was filled by the petitioner himself.

8. The disposal of the application vide the impugned order does not suffer from any illegality, which would call for any interference by this Court in exercise of its revisional jurisdiction.

In view of the above, the present petition is dismissed.

Petition dismissed.

PUNJAB AND HARYANA HIGH COURT

Before: H.S. Madaan, J.

CRR No. 1182 of 2017

Decided on : 16.01.2018

Bhupinder Singh

Petitioner

Versus

State of Punjab and another

Respondents

Present: Mr. Mayur Kanwar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Suman Jain, Advocate for respondent No. 2.

Negotiable Instruments Act, 1881 (26 of 1881), Section 138 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 401 – Cheque bounce case – Conviction of accused – Compromise/Compounding of offence -- Accused is acquitted from all the charges framed against him, in view of Section 320(6) of Cr.P.C., which provides that a High Court or Court of Session acting in the exercise of its powers of revision under Section 401 may allow any person to compound any offence which such person is competent to compound under this Section.

(Para 4)

JUDGMENT

H.S. MADAAN, J. (ORAL) –

1. A complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed by M/s Vee Kay Concast Pvt. Ltd., Village Kanganwal, Post office Jugiana, Tehsil and District Ludhiana against accused Bhupinder Singh, Director of M/s Inderjit Forgings Pvt. Ltd., D-131, Phase-V, Focal Point, Ludhiana vide judgment dated 05.08.2016, the accused-Bhupinder Singh was convicted and sentenced to undergo R.I. for 1½ years besides fine of Rs.1,000/- and in default of payment of fine to undergo further R.I. 15 days.

2. Feeling aggrieved, the accused filed appeal against said judgment of

conviction and order of sentence which was dismissed by Additional Sessions Judge, Ludhiana vide judgment dated 17.03.2017, inasmuch as the conviction of the accused was up-held. However, the sentence was modified as under:-

Under Section 138 Negotiable Instrument Act.	To undergo rigorous imprisonment of one and half year. The accused is also liable to pay compensation under Section 357(3) Cr.P.C., to the complainant of the cheque amount i.e. Rs. 60,00,000/- (Rupees Sixty lacs only). The amount of compensation would be recoverable by the complainant as a fine as per Section 431 Cr.P.C. The amount of Rs. 1,000/- (Rs. One thousand only) already imposed as fine by the learned Trial Court will be adjusted towards the amount of compensation of Rs. 60,00,000/- (Rupees Sixty lacs only)
--	---

3. Bhupinder Singh was taken into custody. Thereafter, the instant revision petition was filed and sentence of the petitioner was suspended during the pendency of the revision petition.

4. Now the matter has been compromised between the parties. Their statements have been recorded before the Judicial Magistrate 1st Class, Ludhiana in that regard and report has been sent by that Court along with statements of the parties. The prayer made is that in view of settlement arrived at between the parties, the revision petition be accepted and the impugned judgment of conviction and order of sentence be set-aside.

5. Resultantly, the accused is acquitted from all the charges framed against him, in view of Section 320(6) of Cr.P.C., which provides that a High Court or Court of Session acting in the exercise of its powers of revision under Section 401 may allow any person to compound any offence which such person is competent to compound under this Section.

6. In view of the compromise arrived at between the parties, and after allowing compounding of the offence, the revision petition is accepted. Resultantly, the impugned judgments dated 05.08.2016 and 17.03.2017 are set aside and accused is acquitted of the notice of accusation served upon him.

Petition allowed.

SUPREME COURT OF INDIA

Before: Dipak Misra CJI., A.M. Khanwilkar & Dr. D.Y. Chandrachud, JJ.

Civil Appeal No.7176 of 2015

Decided on : 09.02.2018

Sube Singh and Anr.

Appellants

Versus

Shyam Singh (Dead) and Ors.

Respondents

Motor Vehicles Act, 1988 (59 of 1988), Section 166 – Compensation in