

Jagpal Singh Vs. HDFC Bank Ltd.

CNR No.PBBT01-005487-2019

CIS No.CRA-173/2019

10.8.2020 Present: Appellant on bail with counsel Sh.B.S.Jaurkian.
Sh.Japneet Kapil, Legal Officer of respondent bank.

Today the appeal is fixed for report on compromise. Both the parties appeared and stated that they have compromised the matter. Appellant Jagpal Singh, vide his separate statement of even date, stated that he has been convicted by the learned trial court under Section 138 of Negotiable Instruments Act and in order to challenge the conviction, he has filed the instant appeal. During pendency of the appeal, the matter has been amicably settled between him and the respondent bank. He is poor person. However, he has deposited the settled amount of Rs.26,00,000/- with great difficulty, after arranging the same from nears & dears. Nothing remains due towards him. The Bank has given No Due Certificate in his favour. He is not capable to deposit the Compounding fee i.e. 15% of the cheque amount. He has requested that in view of his financial condition, lenient view be taken and compounding fee be reduced and Impugned Judgment of conviction and order of sentence passed against him be set aside. He further stated that he had also deposited an amount of Rs.4,00,000/- i.e. 20% of the cheque amount, as directed by this Court, vide FDR dated 26.4.2019, drawn on State Bank of India and requested that the same be released in his favour. Sh.Japneet Kapil, Legal Officer of respondent Bank also appeared and vide his separate statement of even date, stated that the bank has compromised the matter with the appellant Jagpal Singh. As per the compromise, the bank has received the settled amount of Rs.26,00,000/- from appellant Jagpal Singh, against the cheque in question. Nothing remains due towards the appellant. The Bank has given Settlement letter to the appellant. He is authorized on behalf of the bank to state that the bank has no objection in case the impugned Judgment and order of sentence passed against the appellant is set aside.

Now appeal be put up on 24.8.2020 for further proceedings.

(Kamaljit Lamba)
Sessions Judge
(UID No.PB 0055)

Date of order: 10.8.2020
Nisha