

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).7414/2011

(From the judgement and order dated 01/08/2011 in CRLR No.1553/2005 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

VIJAY KUMAR Petitioner(s)

VERSUS

STATE OF PUNJAB & ANR Respondent(s)

(With appln(s) for bail and office report)

Date: 23/01/2012 This Petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Neeraj,Adv.
Mr. Ajay Pal,Adv.

For Respondent(s) Mr. Ashok Aggarwal,Sr.Adv.(AG,Punjab)
Mr. Aruna Tiku,Adv.(AAG,Punjab)

Mr. Shantanu Singh,Adv.
Mr. Nikhilesh Ramachandran,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

In terms of the signed order, considering the fact that the matter has been settled by the parties and appellant's children are handicapped to the extent of 80% and 100%, we allow the application for compounding the offence. In view of above, the appeal succeeds and allowed. The appellant is acquitted of all the charges under the said Act and the sentence and fine so imposed, is set aside.

However, the appellant is directed to deposit Rs. 25,000/- in Supreme Court Legal Services Authority as a cost within a period of four weeks from today.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.223 of 2012
(Arising out of SLP(Crl.) No. 7414 of 2011)

Vijay Kumar ...Appellant

Versus

State of Punjab & Anr. ...Respondents

O R D E R

Leave granted.

This appeal arisen out of the proceedings under Section 138 of Negotiable Instrument Act, 1881.

Admittedly, the amount of liability was not paid by the appellant to the contesting respondent and, ultimately, after meeting the legal requirements, the complaint was filed against the appellant wherein he stood convicted under Section 138 of Negotiable Instrument Act, 1881, by the impugned judgment and order dated 2.8.2004 awarding rigorous imprisonment for a period of one year with a fine of Rs. 5,000/-.

Aggrieved by the said order, the appellant preferred Criminal Appeal No. 30 of 2004 before the Learned Additional Sessions Judge, Jalandhar, which was dismissed vide impugned judgment and order dated 10.8.2005. Being aggrieved, the judgment and order of the Appellate Court was challenged by the appellant by filing Criminal Revision No. 1553 of 2005 before the High Court of Punjab and Haryana and the same also stood dismissed vide judgment and order dated 1.8.2011.

Hence, this appeal.

Learned counsel for the parties did not make any submission on merit rather an application for permission to compound the offence has been filed on the ground that the appellant has already paid the amount of Rs.2,79,500/- with interest to the Respondent No. 2 and in view thereof, the Respondent No. 2 has agreed to compound the offence.

Considering the fact that the matter has been settled by the parties and appellant's children are handicapped to the extent of 80% and 100%. We allow the

application for compounding the offence. In view of above,
the appeal succeeds and allowed. The appellant is
acquitted of all the charges under the said Act and the
sentence and fine so imposed, is set aside.

However, the appellant is directed to deposit
Rs. 25,000/- in Supreme Court Legal Services Authority as
a cost within a period of four weeks from today.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(T.S. THAKUR)

New Delhi,
January 23, 2012