



Anoop Paul vs. Sundre Lal & Ors.
Cr.MMO No. 426 of 2023

01.05.2023 Present: Mr. Tek Chand Sharma, Advocate, for the petitioner.

Mr. Sunil Kaundal, Advocate, for respondent No.1.

Mr. Pushpinder Singh Jaswal, Additional Advocates General with Mr. Gautam Sood, Deputy Advocate General, for respondent No.2-State.

By way of this petition, a prayer has been made by the petitioner that the judgment of conviction passed against him by the learned trial Court in proceedings initiated against him by the respondent-complainant under the provisions of Section 138 of the Negotiable Instruments Act, as upheld by the learned Appellate Court and also this Court in Criminal Revision Petition be set aside on the ground that now the matter has been amicably settled between the parties. Learned counsel for the petitioner while placing reliance upon the judgment passed by Hon'ble Supreme Court in *Ram Gopal & Anr. vs. The State of Madhya Pradesh (Criminal Appeal No. 1489 of 2012)* and connected matters, decided on 20.09.2021, has submitted that in exercise of its power so vested under Section 482 of the Code of Criminal Procedure, this indulgence can be shown by the Court, even in those cases, where the accused stands convicted.

Notice. Mr. Sunil Kaundal, Advocate, and Mr. Pushpinder Singh Jaswal, accept notice on behalf of the respondents. Respondent No. 1, Sh. Sunder Lal, who is present in person in the Court, has been duly identified by his counsel. He has made a statement in the open Court that he has no objection, in case, the prayer of the petitioner is

acceded to, as the issue now stands amicably settled between them.

Be that as it may, before the prayer of the petitioner for setting aside of the judgment of conviction is considered by the Court, as this conviction is under Section 138 of the N.I. Act, therefore, let the petitioner deposit 5% of the cheque amount with H.P. State Legal Services Authority by the next date of hearing.

List on 31st May, 2023.

(Ajay Mohan Goel)
Judge

May 01, 2023
(*Vinod*)