

**HIGH COURT OF TRIPURA
AGARTALA**

IA No.01/2023 in Crl.Rev.P. No.25 of 2023

Crl.Rev.P. No.25 of 2023

IA No.03/2023 in Crl.Rev.P. No.25 of 2023

IA No.02/2023 in Crl.Rev.P. No.25 of 2023

Sri Pranjal Paul

.....Applicant/Petitioner(s)

Versus

Md. Salim Ahmed and another

.....Respondent(s).

For Applicant/Petitioner(s) : Mr. D. Datta, Advocate.

For Respondent(s) : Mr. Ratan Datta, Public Prosecutor,
Mr. Samar Das, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

07/07/2023

IA No.01/2023 in Crl.Rev.P. No.25 of 2023

Having heard learned counsel for the parties on the prayer for condonation of delay of 23 days in preferring the instant criminal revision petition and the explanation urged without any objection from the other side, delay is condoned.

IA stands disposed of.

Crl.Rev.P. No.25 of 2023

Heard Mr. D. Datta, learned counsel for the petitioner, Mr. Ratan Datta, learned Public Prosecutor for the respondent-State and Mr. Samar Das, learned counsel for the respondent No.1-Complainant.

Petitioner has preferred this revision petition under Section 397 of the Cr.P.C read with Section 401 against the judgment dated 09.01.2023 passed in Criminal Appeal No.03 of 2022 by learned Sessions Judge, Gomati Judicial District, Udaipur whereby the learned Appellate Court has dismissed the appeal and upheld the judgment and order dated 10.12.2021 passed by learned Sub-Divisional Judicial Magistrate, Amarapur, Gomati District whereby the petitioner was convicted under Section 138 of the NI Act, 1881 and sentenced to pay a fine of Rs.2,40,000/- in default thereof to suffer simple imprisonment for 4(four) months.

Mr. D. Datta, learned counsel for the petitioner, submits that the entire cheque amount has been duly paid. The parties are in cordial terms. The respondent No.1-Complainant has also appeared through Mr. Samar Das, learned counsel. A compromise petition has been filed by the petitioner and the complainant being IA No.03/2023 which also encloses an affidavit and a declaration of the respondent No.1-Complainant that during pendency of the appeal, the accused has already paid the cheque amount. However, he could not appear before the Appellate Court. He has received cheque amount of the above mentioned case and is not interested to proceed with the instant criminal revision petition filed by the accused-petitioner. He has also stated that the offence

may be compounded in terms of Section 147 of the NI Act, 1881 as parties have settled/compromised their dispute amicably outside the Court. Hence, petitioner may be acquitted of the charges.

Mr. Ratan Datta, learned Public Prosecutor for the respondent-State, also submits that such a course is permissible under Section 320(6) of Cr.P.C in exercise of the powers of revision under Section 401 to allow any person to compound any offence which such person is competent to compound under this Section and under sub section 8 thereof, the composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

I have considered the submission of learned counsel for the petitioner, the complainant, respondent No.1 and learned Public Prosecutor. It appears that upon payment of the cheque amount and acceptance thereof by the respondent No.1-Complainant, the parties have amicably settled their dispute. They have preferred an application for compounding of the offence under Section 147 of the NI Act, 1881. Such power is available to this Court in revisional jurisdiction under Section 320(6) of Cr.P.C.

As such, on due satisfaction of the cheque amount and the compromise petition filed by the petitioner and the complainant and the declaration made by the complainant enclosed thereto, the offence is permitted to be compounded. Consequently, the petitioner is acquitted of the charges under Section 138 of the NI Act, 1881. Petitioner shall be discharged of the bail bonds.

The instant criminal revision petition is disposed of.

IA No.03/2023 in Crl.Rev.P. No.25 of 2023

IA No.03/2023 preferred by the petitioner and the complainant for compounding the offence is disposed of.

Consequently, the stay application (IA No.02/2023) also stands disposed of.

(APARESH KUMAR SINGH), CJ