

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>06.10.2023</u>		C482 No. 1987 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Deep Prakash Bhatt, Advocate, for the applicant. Mr. V.K. Gemini, Deputy Advocate General, for the State. Mr. Ravi Bisht, Advocate, for the respondent. As a consequence of the culmination of the Criminal Complaint Case No. 610 of 2014, Pramod Satyawali Vs. Bache Singh Adhikari, the applicant has been convicted for the commission of offence under Section 138 of the Negotiable Instruments Act. The judgment of conviction, as it was rendered by the learned Judicial Magistrate, Ramnagar, District Nainital, on 30.01.2016 has been affirmed by the learned Appellate Court's judgment dated 07.11.2017, as it was rendered in Criminal Appeal No. 28 of 2016, Bache Singh Adhikari Vs. State and Another. As a consequence of the aforesaid two judgments of conviction, as affirmed by the learned Appellate Court, the applicant has approached before this Court by filing a Criminal Revision No. 355 of 2017, Bache Singh Vs. State and Another and that too was dismissed by the judgment dated 28.08.2019. As a consequence of the

		concurrent affirmation of the judgments of conviction, the C482 Application has been preferred by the present applicant, seeking composition of the offence, on the ground that the complainant has already received the entire amount, as it was admittedly due to be paid under the terms of conviction, coupled with the fact that the parties have already entered into an agreement on 06.09.2023. The fact of having received the amount is admitted by the complainant and he has submitted, that he may not be having any objection as such in case if the applicant who is presently languishing in jail, owing to the aforesaid sentences upon him, and since he has served almost more than half of the sentence, the offence may be compounded while exercising powers under Section 147 of the Negotiable Instruments Act. Owing to the aforesaid backdrop, since the complainant doesn't intends to prosecute the applicant any further, coupled with the fact that the legislature itself provides a forum for composition of offence under Section 147 of the Negotiable Instruments Act, the C482 Application would stand closed and as a consequence thereto, the conviction under Section 138 of the Negotiable Instruments Act, would stand compounded and as consequence thereto, the effect of sub Section (8) of Section 320 resulting into an acquittal of the present applicant would automatically follow and the judgment of convictions under challenge i.e. 30.01.2016
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			rendered in Criminal Complaint Case No. 610 of 2014, Pramod Satyawali Vs. Bache Singh Adhikari and the judgment dated 07.11.2017, as rendered by the learned Additional District and Sessions Judge, Ramnagar, District Nainital, in Criminal Appeal No. 28 of 2016, Bache Singh Vs. State and Another, would hereby stand quashed in terms of the agreement dated 06.09.2023. As a consequence of today's judgment, it may not be misconstrued by the applicant that it is an exoneration for him from remittance of an amount of Rs. 10,000/- to be deposited before the trial Court. The release of the applicant would be only made subject to the compliance of the prior condition of depositing Rs. 10,000/- before the learned trial Court. (Sharad Kumar Sharma, J.) 06.10.2023 Mahinder/
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