

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No.527 of 2025
Decided on : 01.09.2026

Ankush Rana

...Petitioner

Versus

M/s Arsai Beverages Pvt. Ltd and Anr.

...Respondents.

Coram

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the petitioner : Petitioner is present in person with M/s
Pranjal Munjal and Harshit Sharma,
Advocates.

For the respondent(s) : Mr. Tarun K. Sharma, Advocate, for
respondent No.1.

Mr. Lokender Kutlehria, Addl. Advocate
General, for respondent No.2/State.

Bipin Chander Negi, Judge (Oral)

The present criminal revision petition has been filed under Section 438 read with Section 442 of the Bhartiya Nayaya Suraksha Sanhita, 2023, against the impugned judgment dated 31.07.2025, passed by the learned Sessions Judge, Hamirpur, HP, in Criminal Appeal No.53 of 2025, whereby the judgment of conviction dated 24.03.2025 passed by the learned Judicial Magistrate First Class, Court No.4, Hamirpur, HP, in Criminal

¹ Whether the reporters of the local papers may be allowed to see the Judgment? Yes

Complaint Number 15-1/2024, registered under Section 138 of the Negotiable Instruments Act, has been affirmed.

2. Proceedings in the case at hand had been initiated by respondent No.1 under Section 138 of the Negotiable Instruments Act on account of dishonour of cheque bearing No.389005 dated 01.02.2024, which had been issued for a sum of Rs.50,000/-. On the basis of preliminary evidence adduced, the petitioner-accused was summoned to face trial under Section 138 of the Negotiable Instruments Act. Notice of accusation was framed. Thereafter, evidence (oral as well as documentary) was recorded. On conclusion of trial, the present petitioner-accused was convicted vide judgment dated 24.03.2025. Vide a separate order, a sentence of simple imprisonment for a period of three months was imposed insofar as the present petitioner-accused is concerned.

3. Besides the aforesaid, the petitioner-accused was directed to deposit a sum of Rs.53,000/- as fine. Out of the said amount, Rs.52,000/- was to be paid to the respondent/complainant, and the remaining amount of Rs.1,000/- was to be defrayed to the State for expenses incurred in the prosecution.

4. An appeal against the same was preferred on 16.04.2025. The appeal so preferred by the present petitioner was dismissed vide judgment dated 31.07.2025. In the present revision petition preferred on 12.09.2025, the following order was passed:-

"Since, there are certain arguable points. involved in this case, as such, notice of the Criminal Revision be issued to the respondent No. 1 for 31.10.2025. Steps be taken within a period of seven days.

Cr.MP No.4047 of 2025

2. By way of the present application, the petitioner/applicant has sought the suspension of order of sentence dated 24.03.2025, passed by the Court of learned Judicial Magistrate First Class, Court No. IV. Hamirpur, H.P. (hereinafter referred to as the 'trial Court'), in Criminal Complaint No.15-1/2024, titled as, 'Ms/ Arsai Beverages Pvt. Ltd. Vs Ankush Rana'.

3. Vide judgment of conviction and order of sentence dated 24.03.2025, the learned trial Court has convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'NI Act') and sentenced him to undergo simple imprisonment for a period of three months and to pay a compensation of Rs. 53,000/-. In default of payment of fine, he has further been sentenced to undergo simple imprisonment for a period of one month.

4. Aggrieved from the said judgment, petitioner has preferred Criminal Appeal No. 53 of 2025, titled as 'Ankush Rana Vs Ms/Arsai Beverages Pvt. Ltd. & Anr.', before the Court of learned Sessions Judge, Hamirpur, H.P., (hereinafter referred to as the 'Appellate Court'), which has been dismissed, vide judgment dated 31.07.2025.

5. Now, the petitioner is before this Court by way of the present Criminal Revision, which is likely to take sufficient long time, for its disposal, as such, during the pendency of the present Criminal Revision, the order of sentence dated 24.03.2025, passed by the learned trial Court, is ordered to be suspended, subject to the following conditions:

(i) That the applicant shall furnish personal bond in the sum of Rs.50,000/-, along with one surety of the like amount, to the satisfaction of the learned trial Court, within a period of four weeks from today, with an undertaking that he will surrender before the learned trial Court to serve the remainder substantive sentence, in case of ultimate dismissal of the present revision petition, by this Court;

(ii) That the applicant shall deposit 30% of the total amount of compensation, which has been referred to by the learned trial Court as fine, with the learned trial Court, within a period of six weeks from today, which shall be in addition to the amount, if not, already deposited by the applicant.

(iii) The applicant shall not leave the territory of India without the prior permission of the Court.

6. Application is, thus, disposed of.

A copy of this order be sent to the learned trial Court, with a direction that the report of compliance of this order be submitted to this Court.

Cr. MP No. 4046 of 2025

Application, for the reasons, stated therein, is allowed and petitioner is exempted from filing certified copy of the order, passed by the learned trial Court, at this stage. Needful be done, on or before the next date of hearing.

Application stands disposed of.

5. Subsequent thereto, the matter was listed on numerous dates. On 07.08.2026, the following order was passed.

"De-linked from Cr. Revision Nos. 524, 525, 526, 528 to 531 of 2025

Learned counsel representing the petitioner states that the petitioner is ready and willing to pay the

entire amount of compensation within a period of two weeks.

In view of the above, list this matter on 28.08.2026, on which date, petitioner shall remain present in Court.”

6. Today, during the proceedings of the case, learned counsel representing the petitioner states that the petitioner has entered into the compromise with the respondent No.1/complainant, whereby they have resolved to settle their dispute amicably. He states that as per the compromise, sum of Rs.51,100/- in cash has been paid today in the open Court to learned counsel for respondent No.1/complainant for further handing over the same to respondent No.1/complainant. He states that since entire amount of the compensation has been paid to the respondent-complainant, this Court, while exercising power under Section 147 of the Act, may proceed to compound the offence.

7. Mr. Tarun K. Sharma, learned counsel representing respondent No.1-complainant, while fairly acknowledging factum with regard to compromise arrived inter se parties, states that since entire compensation amount has been received by respondent No.1/complainant, this Court may allow the prayer made on behalf of the petitioner-accused for compounding of the offence.

8. Though, no application under Section 147 of the Act has been filed by the petitioner for compounding the offence, however, this Court has sufficient power to compound the offence under

Section 147 of the Act, especially when the complainant is ready and willing for the same, as has been fairly stated by the learned counsel for respondent No.1/complainant.

9. Having taken note of the fact that entire amount of compensation has been paid to respondent No.1/complainant and respondent No.1/complainant has no objection in compounding the offence, this Court sees no impediment in accepting the prayer made on behalf of the petitioner for compounding of offence, while exercising power under Section 147 of the Act as well as in terms of guidelines issued by the Hon'ble Apex Court in ***Damodar S. Prabhu V. Sayed Babalal H., (2010) 5 SCC 663***, wherein it has been categorically held that court, while exercising power under Section 147 of the Act, can proceed to compound the offence even after recording of conviction.

10. Consequently, in view of the above, present matters are ordered to be compounded and impugned judgments of conviction and order of sentence passed by learned trial Court as well as Appellate Court are set-aside and the petitioner-accused is acquitted of the charge framed against him under Section 138 of the Act. Bail bonds, if any, are discharged. Interim order(s), if any, is vacated.

11. Since complainant was compelled to engage in unwarranted litigation with the accused for realization of his own amount, petitioner-accused is directed to pay a sum of Rs. 10,000/-

as litigation charges to respondent No.1/complainant (which have also been paid today to the respondent) and deposit Rs.5000/- with the H.P. State Legal Service Authority as compounding fee within a period of six weeks, failing which, he shall render himself liable for penal consequences as well as contempt of the Court.

12. Learned trial Court is directed to release the amount lying deposited with it, in the present case, in favour of the petitioner-accused, by remitting the same in his saving bank account, details whereof shall be furnished by learned counsel for the petitioner-accused within a period of one week.

13. In the aforesaid facts and attending circumstances, the present petition stands disposed of, so also the pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

01st September, 2026
(Gaurav Rawat)