



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/124/2015</u> Siddharth --Revisionist Versus Natthi Lal Nautiyal --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. S.K. Mandal, Advocate for the revisionist. Mr. Rajya Vardhan Chaudhary, Advocate has put in appearance on behalf of respondent no.1. Mr. Rakesh Kumar Joshi, A.G.A. and Mr. Manoj Bhatt, Brief Holder for the State of Uttarakhand. 2. By means of the present Criminal Revision, the revisionist has assailed the judgment and order dated 13.05.2015 passed by learned Additional District & Sessions Judge, Tehri Garhwal in Criminal Appeal No.3 of 2015, whereby the criminal appeal preferred by the revisionist against the judgment of conviction and order of sentence came to be dismissed, affirming the findings recorded by the trial Court. The revisionist has further challenged the judgment and order dated 16.12.2014 passed by learned Judicial Magistrate, Narendra Nagar, Tehri Garhwal in Criminal Case No.319 of 2013, whereby he was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Consequent thereto, learned trial Court sentenced the revisionist to undergo rigorous imprisonment for a period of six months and imposed a fine of ₹2,000/-, with a further direction that, in default of payment of the



			fine, he shall undergo simple imprisonment for a further period of 15 days. Learned trial Court also directed the revisionist to pay compensation of ₹5,00,000/- to the respondent no.1. 3. Learned counsel for the revisionist, on instructions, submits that during the pendency of the present criminal revision, the parties have amicably resolved their dispute and have entered into a voluntary settlement. It is further submitted that the entire cheque amount, in respect whereof the complaint under Section 138 of the Negotiable Instruments Act was instituted, has already been paid by the revisionist to respondent no.1, who has accepted the same in full and final settlement of all his claims arising out of the dishonoured cheque. It is submitted that in view of the settlement arrived at between the parties, respondent no.1 does not intend to pursue the criminal proceedings any further and has no objection if the conviction and sentence recorded against the revisionist are set aside. 4. The offence punishable under Section 138 of the Negotiable Instruments Act is primarily compensatory in nature and has been made compoundable by virtue of Section 147 of the Negotiable Instruments Act, which contains a non obstante clause overriding the provisions of the Code of Criminal Procedure. The legislative intent behind the said provision is to encourage settlement of disputes arising out of commercial transactions and to promote the efficacy of banking operations by facilitating amicable resolution between the parties. 5. Hon'ble Supreme Court has consistently held that even after conviction, the offence under Section 138 of the Negotiable Instruments Act can be compounded at any stage of the proceedings, including before the revisional Court, if the parties have voluntarily settled the dispute and the complainant has received the entire cheque
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