



HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 461 of 2026

12 August, 2026

Naresh Negi Alias Naresh Singh Revisionist

Versus

State Of Uttarakhand and another Respondents

Presence:-

Mr. Abhishek Joshi, learned counsel for the revisionist

Mr. Akshay Latwal, learned A.G.A. along with Mr. Manoj Bhatt, learned Brief Holder for the State.

Mr. Ajay Singh Bisht, learned counsel for respondent no.2.

Hon'ble Mr. Alok Mahra, J. (Oral)

Present criminal revision has been filed against the judgment and order dated 07.09.2021 passed by the learned Judicial Magistrate, Nainital in Criminal Complaint Case No. 3004 of 2018, whereby the revisionist has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as "the N.I. Act") and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹1,10,000/-, out of which ₹1,05,000/- was directed to be paid to the



complainant and ₹5,000/- to be deposited in the Government Exchequer, with a further direction that, in default of payment of fine, the revisionist shall undergo three months' further simple imprisonment. The revisionist has also challenged the judgment and order dated 21.07.2025 passed by the learned 2nd Additional Sessions Judge, Nainital in Criminal Appeal No. 44 of 2021, whereby the appeal preferred by the revisionist was dismissed and the judgment and order of conviction and sentence passed by the learned trial Court was affirmed

2. There is a delay of 238 days in filing the present criminal revision. Accordingly, a delay condonation application has been filed along with an affidavit seeking condonation of the said delay.

3. Learned counsel for the State as well as learned counsel for the respondent/complainant have not seriously opposed the prayer for condonation of delay.

4. The cause shown for the delay is found to



be sufficient. Accordingly, the delay of 238 days in filing the present criminal revision is hereby condoned. The delay condonation application stands allowed.

5. Learned counsel for the revisionist would submit that certain financial transactions had taken place between the revisionist and respondent no. 2/complainant, out of which the cheque in question came to be issued. He would further submit that during the pendency of the proceedings, with a view to put a quietus to the dispute and to maintain cordial relations between the parties, the parties have amicably resolved their dispute.

6. Learned counsel for the revisionist would further submit that pursuant to the aforesaid settlement, the revisionist has paid the amount mutually settled between the parties to respondent no. 2/complainant and, consequently, no dispute or grievance now survives between them. It is further submitted that respondent no. 2/complainant has voluntarily agreed to compound the offence and has



no objection if the judgment of conviction and order of sentence passed by the learned trial Court and affirmed by the learned Appellate Court are set aside and the revisionist is acquitted of the offence punishable under Section 138 of the N.I. Act. In support of the settlement, the parties have filed a compounding application along with their respective affidavits.

7. Learned counsel for the revisionist would further submit that Section 147 of the N.I. Act contains a specific provision making every offence punishable under the said Act compoundable, notwithstanding anything contained in the Code of Criminal Procedure. He would, therefore, submit that in view of the voluntary settlement arrived at between the parties and the categorical consent of the complainant, the offence may be permitted to be compounded and the revisionist may be acquitted.

8. Learned counsel appearing for respondent no. 2/complainant does not dispute the aforesaid submissions made on behalf of the revisionist and



submits that the dispute has been amicably settled and the complainant has no objection to the compounding of the offence and setting aside of the conviction and sentence recorded against the revisionist. It is submitted that the revisionist is presently in custody; that, his wife is present before the Court. Respondent no. 2/complainant is also personally present before the Court and have duly verified by their respective learned counsel.

9. On being interacted with by the Court, respondent no. 2/complainant submits that he has received a sum of ₹88,000/- from the revisionist towards settlement of the dispute. Learned counsel for the revisionist further submits that, at the time of filing of the criminal appeal, 20% of the total amount of fine, i.e. ₹22,000/-, had already been deposited before the learned Court below in compliance with the judgment and order of conviction. It is further submitted that, as per the judgment of the learned trial Court, which has been affirmed by the learned Appellate Court, a sum of ₹1,05,000/- was directed



to be paid to the complainant out of the fine amount.

10. Heard learned counsel for the parties and perused the material available on record.

11. From the record, it is evident that the parties have amicably settled their dispute and respondent no. 2/complainant has voluntarily consented to the compounding of the offence. It is also admitted by the complainant that a sum of ₹22,000/- has already been deposited before the Court below towards 20% of the fine amount. In view of the settlement arrived at between the parties, respondent no. 2/complainant shall be entitled to withdraw a sum of ₹17,000/- out of the said deposited amount, while the remaining amount of ₹5,000/- shall be deposited in the Government Exchequer, in terms of the judgment and order passed by the learned trial Court.

12. Considering the facts and circumstances of the case, particularly the fact that the dispute between the parties has been amicably settled; the revisionist has paid the settled amount to



respondent no. 2/complainant; the complainant has received the amount and has categorically stated that he has no further grievance against the revisionist; and the offence under Section 138 of the N.I. Act is compoundable in view of Section 147 thereof, this Court is of the considered view that no useful purpose would be served in maintaining the conviction and sentence against the revisionist.

13. Accordingly, the compounding application is allowed and the offence is permitted to be compounded. Consequently, the judgment and order dated 07.09.2021 passed by the learned Judicial Magistrate, Nainital in Criminal Complaint Case No. 3004 of 2018 and the judgment and order dated 21.07.2025 passed by the learned 2nd Additional Sessions Judge, Nainital in Criminal Appeal No. 44 of 2021 are hereby set aside. The revisionist is acquitted of the offence punishable under Section 138 of the N.I. Act.

14. Consequently, the present criminal revision is allowed in the aforesaid terms.



15. The revisionist is presently in custody in connection with the present matter. Since the dispute between the parties has now been amicably settled and the impugned judgment and order have been set aside, the revisionist shall be released forthwith, if not required in any other case, subject to compliance with the requisite formalities, if any, in accordance with law.

16. Respondent no. 2/complainant shall be permitted to withdraw a sum of ₹17,000/- from the amount of ₹22,000/- already deposited before the learned Court below, and the remaining sum of ₹5,000/- shall be deposited in the Government Exchequer in accordance with the judgment and order dated 07.09.2021.

17. All pending applications stand disposed of accordingly.

**MAMTA
RANI**

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**(ALOK MAHRA,J.)
12.08.2026**

Digitally signed by MAMTA RANI
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