

(1) (2)

BEFORE THE HIGH COURT OF CHHATTISGARH AT

BILASPUR (CG)

CRIMINAL REVISION NO. 533 / 2014

PETITIONER
In Jail

Vikas Agrawal S/o Nawal
Kishore, aged about - 27
years, R/o Link Road, Janjgir,
P.S. - Janjgir, Civil and
Revenue Distt - Janjgir-
Champa (C.G.)

533/14
Presented by Shri. Wasim Khan
Dated 31/7/14

VERSUS

RESPONDENTS

1. State of Chhattisgarh: through
District Magistrate, Janjgir,
Civil and Revenue Distt -
Janjgir-Champa (C.G.)
2. Kapoor Chand^{Sahb} S/o Maharathi,
aged about - 33, R/o Kera
Road, Janjgir, P.S. - Janjgir,
Civil and Revenue Distt -
Janjgir-Champa (C.G.)

It is a complaint case and, therefore, Police Station
and Crime Number are not applicable here.

CRIMINAL REVISION UNDER SECTION 397/401 OF
THE CODE OF CRIMINAL PROCEDURE.

OFFENCE

U/s 138 of Negotiable
Instruments Act

SENTENCE

R.I. for One Year and fine of
Rs. 10,000/- and in default
in payment of fine, 60 days
Additional R.I.

Waigh

(2) (4)

Being aggrieved by the impugned judgment and order dated 30-07-2014 passed in Criminal Appeal No. 36/14, passed by Learned 3rd Additional Sessions Judge, Janjgir, Distt. Janjgir-Champa (C.G.) arising out of order dated 11.02.2014 passed in Criminal Case No. 99/2013 by Smt. Ganga Patel, J.M.F.C., Janjgir, Distt - Janjgir-Champa (C.G.).

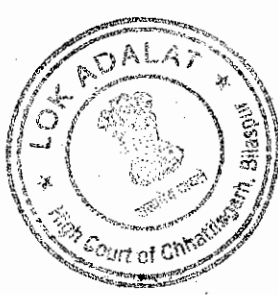
The petitioner above named humbly begs to say submit this memorandum of revision on the following facts amongst many other grounds:-

FACTS OF THE CASE :-



28/11/15

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NATIONAL LOK-ADALAT

DATED 11-04-2015

COMPROMISE PETITION

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 533 OF 2014

Vikas Agrawal S/o Nawal Kishore
Aged about - 27 years, R/o Link Road, Janjgir
P.S. Janjgir, District Janjgir-Champa (C.G.)

----- Applicant

VERSUS

State of Chhattisgarh & another

----- Non-Applicants

**CRIMINAL REVISION UNDER SECTION 397/401 OF THE CODE OF CRIMINAL
PROCEDURE**

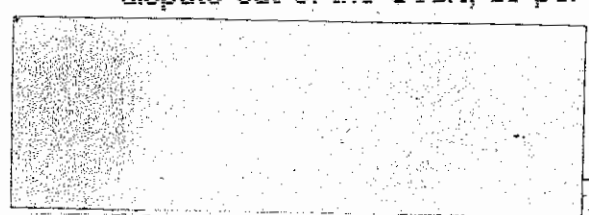
APPEARANCE : Mr. Sanjay Agrawal, counsel appears with the applicant on behalf of Mr. Vivek Tripathi, counsel for the applicant.
Ms. Shobha Kashyap, Dy. G.A. for the State/Non-applicant No.1.
Respondent No.2-Kapoor Chand Sahu present in person with Mr. Paheshwar Prasad Sahu, counsel practicing at Janjgir and also originally represented the respondent No.2 before the Trial Court.

Hon'ble Shri Justice Chandra Bhushan Baipai

Award

11-04-2015

1. Both the parties submitted a compromise petition.
2. Respondent No.2 Kapoor Chand Sahu has been identified by his counsel Mr. Maheshwar Prasad Sahu. The applicant is also duly identified by his counsel Mr. Sanjay Agrawal.
3. By filing this revision, it is submitted that parties have amicably settled their dispute out of the Court, as per compromise petition. The dispute between the





parties, for Rs.8,10,000/- out which the parties have settled their dispute out of the Court, by payment of Rs.10,00,000/- to be paid by the applicant - Vikas Agrawal to respondent No.2 - Kapoor Chand Sahu by cash. As the parties settled their dispute, filed the compromise petition under the provisions of Section 147 of the Negotiable Instruments Act (henceforth 'the Act').

4. Compromise petition filed by the parties is allowed.
5. The applicant who was initially convicted and sentenced under Section 138 of the Act in Criminal Case No.99/2013 by the judgment dated 11-02-2014 passed by Judicial Magistrate First Class, Janjgir against which the applicant preferred a criminal appeal before the Third Additional Sessions Judge, Janjgir vide Criminal Appeal No. 36/2014. Vide judgment dated 30-07-2014, the appeal preferred by the present applicant is dismissed as not maintainable and the judgment of conviction and order of sentence passed by the trial Court was affirmed by the appellate Court against which the applicant preferred the instant criminal revision.
6. By allowing the compromise petition under Section 147 of the Act, the applicant stands acquitted from the charge framed under Section 138 of the Act under the provisions of Section 320(8) of the Cr.P.C.
7. As prayed on behalf of the applicant, he was sentenced to RI for one year and to pay of fine of Rs.10,000/- by the Trial Court and Rs.8,000/- from the said fine was ordered to be given to the complainant - Kapoor Chand Sahu as compensation. The applicant is entitled to get refund of Rs.2000/- from the trial Court, if he had deposited the fine amount before it, upon furnishing certified copy of this order before the Trial Court.





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3. The instant revision stands disposed of, in the above terms.

Sd/-
Chandra Bhushan Bajpai
Judge

MEMBER

Kvr