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HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 637 of 2016

Rajesh Kumar Pandey, S/o. Shri J.P. Pandey, aged about 48 years, R/o. Q. No. 7-F, Street No.34, Sector – 6, Bhilai Nagar, P.S. Sector -6, Kotwali Bhilai Nagar, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. A.S. Vinod Kumar, S/o. Emaiya, aged about 36 years, R/o. Q. No.13-B, Street No.33, Sector-7, Bhilai Nagar, P.S.- Sector – 6, Kotwali Bhilai Nagar, Tahsil and District – Durg (C.G.)
2. State of Chhattisgarh, Through : The District Magistrate- Durg (C.G.)

---- Respondents

For Applicant	: Mr. Vipin Tiwari, Advocate
For Respondent No.1	: Mr. K.P. Sahu, Advocate
For State/Respondent	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/05/2017

Heard.

1. Both the applicant – Rajesh Kumar Pandey and the respondent No.1- A.S. Vinod Kumar are present before this Court and they are identified by their respective counsels.
2. It is submitted by both the parties that initially by the order of the learned trial Court, the applicant was convicted for the offence punishable under Section 138 of Negotiable Instrument Act and was

sentenced to under go S.I. for four months and to pay compensation of Rs.4.00 lakhs. Subsequently, the appeal having been preferred, the jail sentence was reduced till rising of the Court and compensation of Rs.4.00 lakhs was maintained.

3. The complainant/respondent, who is present with his counsel would submit that he has received Rs.4.00 lakhs and the compromise has been settled and he do not want any further prosecution in this case.
4. Considering such submission made and taking into the fact that amount of compensation is stated to have been received by the complainant and complainant do not want to prosecute further, the submission made by the parties are accepted. The applicant is acquitted of the charges U/s. 138 of Negotiable Instrument Act. The order dated 14.10.2015 passed by the learned Additional Sessions Judge, Durg, District – Durg in Criminal Appeal No.34/2015 is modified to the above extent on the basis of compromise between the parties.
5. Accordingly, the instant criminal revision stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge