

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 639 of 2004

Jeevesh Associates, Prop. S.K. Nair, S/o. P.V. Nainan, Aged about 43 years, R/o. A-3, Central Bank Colony, Sector-6, Bhilai Nagar, P.S. Sector-6 Kotwali, Bhilai Nagar, District Durg (C.G.)

---- **Applicant**

Versus

Raunak Sales Agency, Prop Lalit Karnawat, S/o. Dulichand Karnawat, R/o. Wakil Complex, Indira Market, Durg, Tahsil and District Durg (C.G.)

---- **Respondent**

Along with

Criminal Revision No. 638 of 2004

Jeevesh Associates, Prop. S.K. Nair, S/o. P.V. Nainan, Aged about 43 years, R/o. A-3, Central Bank Colony, Sector-6, Bhilai Nagar, P.S. Sector-6 Kotwali, Bhilai Nagar, District Durg (C.G.)

---- **Applicant**

Versus

Raunak Sales Agency, Prop Lalit Karnawat, S/o. Dulichand Karnawat, R/o. Wakil Complex, Indira Market, Durg, Tahsil and District Durg (C.G.)

---- **Respondent**

For Applicant : Mr. Naveen Shukla, Advocate on
behalf of Ms. Fouzia Mira, Advocate
For Respondent : Mr. Amiyakant Tiwari, Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 11.12.2018

Since both the revision petitions arise out of the same order dated 15.12.2004, they are being disposed of by this common order.

2. In this case, the applicant in both the revisions has been convicted under Section 138 of the Negotiable Instruments Act (henceforth 'the Act') and sentenced him to undergo rigorous imprisonment for 1 years and with pay fine of Rs. 5000/-. Reportedly the parties they are agreeable for the amicable settlement out of the Court. For this, they have made the statement before this Court and thereafter before the Additional Registrar (Judicial) also. Since the offence alleged is compoundable in the nature, this Court finds nothing to deviate from the statement made by the parties for compromise to be arrived at between them.

3. Thus, looking to the facts and circumstances of the case, the statement of the parties made before this Court as also before the Additional Registrar (Judicial) also, keeping in view of the judgment passed in AIR 2010 SC 276 (K.M. Inbrahim v. K.P. Mohammed), the parties are permitted to compound the offence. Effect of this compromise be the acquittal of the applicant of the charge under Section 138 of the Negotiable Instruments Act.

4. Revisions are thus allowed and the order dated 15.12.2004 is set aside.

Sd/-
(Vimla Singh Kapoor)
JUDGE