

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.486 of 2018

Mohan Satnami, son of Baliya Satnami, aged about 50 years, resident of Village Kandai, Post Biroda, Tahsil Dhamdha, Police Station Nandini Nagar, District Durg, Chhattisgarh

---- Applicant

versus

B.B. Sharma, son of Late Shri R.R. Sharma, aged about 51 years, resident of Ghasidas Nagar, Jamul, Tahsil and District Durg, Chhattisgarh

--- Respondent

For Applicant	:	Shri Jitendra Gupta, Advocate
For Respondent	:	Shri Ravi Kumar Bhagat, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25.6.2018

1. Heard on I.A. No.2 of 2018 for compromise under Section 320(2) and Section 320(5) of the Code of Criminal Procedure.
2. The Applicant/accused has been convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for 1 year and to pay compensation of Rs.2,10,000/- by judgment dated 25.11.2017 passed by the Judicial Magistrate First Class, Durg in Complaint Case No.6087 of 2014. The judgment dated 25.11.2017 has been affirmed by the 1st Additional Sessions Judge, Durg vide judgment dated 9.3.2018 passed in Criminal Appeal No.154 of 2017.
3. I.A. No.2 of 2018 has been jointly filed by the parties. In compliance of the order dated 15.5.2018, statements of the Applicant and the Respondent have been recorded by the Additional Registrar (Judicial). In their statements, they have stated that they have compromised the matter without fear and

pressure and with their free will. Both the parties have been identified by their Counsel. The whole compensation amount has been paid by the Applicant/accused to the Respondent. Since they have compromised the matter with their free will, the amount of compensation has been paid by the Applicant/accused to the Respondent and compounding of the offence is legal, on due consideration, I.A. No.2 of 2018 is allowed and they are permitted to compromise and compound the offence under Section 138 of the Negotiable Instruments Act.

4. In view of the provision contained in Section 320(8) of the Code of Criminal Procedure, the Applicant/accused is acquitted of the charge framed against him under Section 138 of the Negotiable Instruments Act.
5. Resultantly, the instant revision stands disposed of in the aforesaid terms.
6. Record of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge