

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.922 of 2018**

Sushri Laxmi Navrang, D/o Late R.L. Navrang, aged about 56 years, resident of Behind Bedu Garage, Mini Basti, Om Nagar, Jarhabhata, P.S. Civil Lines, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh

---- Applicant

versus

Vijay Gangwani, S/o Late Kewal Ram Gangwani, resident of Jarhabhata, Sindhi Colony, Police Station Civil Lines, Tahsil and District Bilaspur, Chhattisgarh

--- Respondent

For Applicant	:	Shri D.C. Verma, Advocate
For Respondent	:	Shri K.K. Dewangan, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

31.10.2018

1. Heard on I.A. No.3 of 2018 under Section 320 of the Code of Criminal Procedure read with Section 147 of the Negotiable Instruments Act (henceforth 'the Act'). Perused the record.
2. Vide judgment dated 17.10.2017 passed in Complaint Case No.364 of 2012, the Judicial Magistrate First Class, Bilaspur convicted the Applicant under Section 138 of the Act and sentenced her with simple imprisonment for 6 months and with fine of Rs.5,000/- with default stipulation, which has been affirmed vide judgment dated 28.6.2018 passed by the 8th Additional Sessions Judge, Bilaspur in Criminal Appeal No.201 of 2017.
3. Learned Counsel appearing for the Applicant submits that the Applicant is suffering from major disease and, therefore, she is

unable to appear personally before this Court and on her behalf her brother-in-law Atish Kumar Lal has submitted his affidavit in support of the application (I.A. No.3 of 2018) under Section 320 of the Code of Criminal Procedure read with Section 147 of the Act.

4. Respondent/Complainant Vijay Gangwani has also submitted his affidavit in support of the compromise application (I.A. No.3 of 2018). He admits the fact that both the parties have entered into a compromise and he has already been paid the requisite amount by the Applicant.
5. In view of the foregoing, I.A. No.3 of 2018 is allowed. In the light of the provision contained in Section 320(8) of the Code of Criminal Procedure, the Applicant is acquitted of the charge framed against her under Section 138 of the Negotiable Instruments Act.
6. Consequently, the instant revision stands disposed of in the aforesaid terms.
7. 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