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HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1116 of 2018

Amolik Sinha, S/o Khorbahra Sinha, aged about 48 years, R/o Village Nawagaon, Chouki Dashrangpur, Police Station Pipariya, Tahsil Kawardha, District Kabeerdham, Chhattisgarh

---- Applicant

versus

Kamlesh Singh Rajput, S/o B.N. Rajput, aged about 37 years, R/o Bypass Road, Kawardha, Police Station, Tahsil and District Kabeerdham, Chhattisgarh

--- Respondent

For Applicant	:	Shri Vaibhav A. Goverdhan, Advocate
For Respondent	:	Shri Ravindra Sharma, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25.10.2018

1. Heard.
2. Vide judgment dated 23.2.2018 passed in Case No.78 of 2015, the Judicial Magistrate First Class, Kawardha convicted the Applicant under Section 138 of the Negotiable Instruments Act (henceforth 'the Act') and sentenced him to undergo rigorous imprisonment for 6 months and to pay compensation of Rs.1,00,000/- to the Complainant/Respondent within 1 month with default stipulation. Against the judgment dated 23.2.2018, an appeal, being Criminal Appeal No.20 of 2018 was preferred by the Applicant/accused and another appeal, being Criminal Appeal No.28 of 2018 was preferred by the Respondent/Complainant for enhancement of the amount of compensation. Both the appeals have been decided by the common judgment dated 30.8.2018, whereby the Sessions Judge, Kabeerdham (Kawardha) has rejected the appeal preferred

by the Applicant/accused and has partly allowed the appeal preferred by the Respondent/Complainant and enhanced the amount of compensation from Rs.1,00,000/- to Rs.2,40,000/-. Hence, the instant revision has been preferred by the Applicant/accused.

3. Shri Vaibhav A. Goverdhan, Learned Counsel appearing for the Applicant/accused and Shri Ravindra Sharma, Learned Counsel appearing for the Respondent/Complainant jointly submit that since the alleged offence under Section 138 of the Act is compoundable under Section 147 of the Act, both the parties have amicably settled their dispute keeping in view the provisions contained in Section 147 of the Act and have entered into a compromise and accordingly, a joint application I.A. No.1 of 2018 under Section 147 of the Act has been moved on behalf of the parties. They pray for allowing I.A. No.1 of 2018.
4. In **AIR 2010 SC 276 (K.M. Inbrahim v. K.P. Mohammed)**, it has been held by the Supreme Court that Section 147 of the Negotiable Instruments Act does not bar the parties from compounding an offence under Section 138 of the Act even at the appellate stage of the proceedings. In the said case, the accused, having been convicted and sentenced being affirmed by the Appellate Court as well as by the Revisional Court, went to the Apex Court in Criminal Appeal No.2281 of 2009 and before the Apex Court, an application under Section 147 of the Act was moved, which was allowed.
5. In the instant case, both the Learned Counsel appearing for the parties jointly submit that the Respondent/Complainant has

entered into a compromise with the Applicant/accused and has also received the amount in terms of the compromise and the compromise has been signed by both the parties.

6. Therefore, as the parties have amicably settled their dispute in terms of Section 147 of the Act, the application I.A. No.1 of 2018 for compounding the offence is allowed and the parties are permitted to compound the offence. Consequently, the judgments/orders of the Courts below convicting the Applicant/accused are set aside. The Applicant is acquitted of the charge framed against him under Section 138 of the Negotiable Instruments Act. The revision is accordingly allowed in the aforesaid terms.

Sd/-

(Arvind Singh Chandel)
JUDGE