

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 813 of 2008

Ramarao Mahadev Rao Gadekar, Aged about 54 years, R/o. Village Kasdha, Kamthi Raod, Nagpur Jabalpur National Highway, Nagpur (Maharashtra)

---- Applicant

Versus

Pritam Sadoramal Chawla S/o. Sadoramal Chawla, Aged 55 years, R/o. Jawahar Market, M.G. Road, Raipur (C.G.)

---- Respondent

For Applicant : Mr. Adil Minhaj, Advocate
For Respondent : Mr. Aman Kesharwani, Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board on 02.04.2019

This revision is directed against the judgment dated 16.12.2008 passed by the Additional Sessions Judge (FTC), Raipur in Criminal Appeal No. 28 of 2008, affirming the judgment of conviction and order of sentence dated 18.02.2008 passed by the Judicial Magistrate First Class, Raipur in Criminal Case No. 410/2006, convicting and sentencing the accused/applicant under Section 138 of the Negotiable Instrument Act and sentencing him to undergo RI for 6 months and to pay fine of Rs. 3000/- plus default stipulation.

2. During the pendency of this revision petition, the applicant and the respondent are stated to have filed a joint application I. A. No. 02/2019 under Section 147 of the negotiable Instrument Act for compounding the offence. The said application is duly supported by

their affidavits in which it is stated that they have amicably settled their dispute out side the Court and in terms of the compromise, the payment has also been made. 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 and keeping in view of the judgment passed in **AIR 2010 SC 276 (K.M. Inbrahim v. K.P. Mohammed)**, as the parties have amicably settled their dispute in terms of section 147 of the Act, the application No. 02 of 2019 for compounding the offence is allowed and the parties are permitted to compound the offence. Effect of this compromise would be the acquittal of the applicant of the charge under Section 138 of the Negotiable Instrument Act.

4. Revision is thus allowed and the order dated 16.12.2008 is set aside.

Sd/-

(Vimla Singh Kapoor)

JUDGE