

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.672 of 2015

Pradeep Dan, S/o Shri S. Dan, aged about 55 years, R/o Nehru Nagar, Bhilai, P.S. Supela, Tahsil and Civil and Revenue District Durg, Chhattisgarh

---- Applicant

versus

1. Amarpal Broka, S/o Mahendra Singh Broka, aged about 54 years, R/o C-1/LIC Colony, Sector 6, Bhilai, Tahsil and District Durg, Chhattisgarh
2. State of Chhattisgarh through District Magistrate, Durg, District Durg, Chhattisgarh

--- Respondents

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent No.1	:	Shri P.R. Patankar, Advocate
For Respondent No.2	:	Shri Alok Nigam, Government Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

21.6.2019

1. Heard on I.A. No.2 of 2019 under Section 320(5) 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 15.5.2013 passed in Complaint Case No.955 of 2011, the Judicial Magistrate First Class, Durg convicted the Applicant under Section 138 of the Act and sentenced him with simple imprisonment for 3 months and also ordered him under Section 357(3) of the Code of Criminal Procedure to pay compensation of Rs.2,50,000/- to the Complainant, which has been affirmed by the 2nd Additional Sessions Judge, Durg vide judgment dated 13.8.2015 passed in Criminal Appeal No.109 of 2013.

3. Affidavits of the Applicant and the Complainant have been submitted in support of the compromise application I.A. No.2 of 2019. It has been admitted by Learned Counsel appearing for the parties that vide I.A. No.2 of 2019 the parties have entered into a compromise and the requisite amount has been paid by the Applicant to the Complainant.
4. In view of the foregoing, I.A. No.2 of 2019 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 him under Section 138 of the Negotiable Instruments Act.
5. Consequently, 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