

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1403 of 2018

Indrajeet Sinha, S/o Shri Bharatram Sinha, aged about 23 years, R/o Village Bendarchuva, P.S. Parpodi, Tahsil Saja, District Bemetara, Chhattisgarh

---- Applicant

versus

Fuka Bai Janghel, W/o Shri Ramavtar Janghel, aged about 44 years, R/o Nagar Panchayat Parpodi, Dhamdha Road, Tahsil Saja, District Bemetara, Chhattisgarh

--- Respondent

For Applicant	:	Shri A.K. Yadav, Advocate
For Respondent	:	Shri A.L. Singroul, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

8.1.2019

1. Learned Counsel appearing for the parties are heard on I.A. No.2 of 2019 preferred by the Complainant/Respondent under Section 320 of the Code of Criminal Procedure seeking permission to compound the offence.
2. Vide judgment dated 24.2.2018 passed in Criminal Case No.52 of 2016, the Judicial Magistrate First Class, Bemetara convicted the Applicant under Section 138 of the Negotiable Instruments Act and sentenced him with simple imprisonment for 6 months and also ordered him to pay compensation of Rs.2,25,000/- to the Complainant/Respondent under Section 357(3) of the Code of Criminal Procedure, which has been affirmed vide judgment dated 11.12.2018 passed by the Additional Sessions Judge, Bemetara in Criminal Appeal No.22 of 2018. The Applicant is in jail since 11.12.2018.

3. The Complainant/Respondent has moved I.A. No.2 of 2019 under Section 320 of the Code of Criminal Procedure for permission to compound the offence. It has been stated in the application that she has received the requisite amount of compensation and now she does not want to prosecute the case against the Applicant any further. It has also been informed by her that she has compromised the matter with the Applicant at her own free will and without fear and pressure. She has submitted her affidavit in support of her application I.A. No.2 of 2019.
4. The offence under Section 138 of the Negotiable Instruments Act committed by the Applicant is compoundable. Therefore, on due consideration, I.A. No.2 of 2019 is allowed. Permission is granted to compound the offence. As 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. As a consequence, the revision stands disposed of in the aforesaid terms.

Sd/-

(Arvind Singh Chandel)
Judge