IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.29 of 2018
With
I.A. No.382 of 2018
With
I.A. No.397 of 2018

Manoj Kumar **..... Petitioner**

Versus

1. The State of Jharkhand
2. The Neutral Publishing House Limited (Through its authorised representative Ashutosh Choubey, Company Secretary or its successors in office) incorporated under the Companies Act, 1956 having Corporate Office at 15-P, Kokar Industrial Area, P.O. - Kokar, P.S.- Sardar, Distt.- Ranchi.

..... Opp. Parties

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr. Pramod Kumar Pankaj, Advocate
For the State : A.P.P
For the O.P. No.02 : Mr. D. K. Bharti, Advocate
Mr. Amit Kumar, Advocate

04/Dated: 17th December, 2020

I.A. No.382 of 2018

1. This interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 414 days in preferring the present revision.

2. Learned A.P.P., assisted by the learned counsel for O.P. No.02, has not raised any serious objection.

3. Heard. In view of the reasons assigned in the supporting affidavit, sufficient cause and reasonable explanation is made out, accordingly the delay is condoned.

4. I.A. No.382 of 20148 stands allowed.

Cr. Revision No.29 of 2018
With
I.A. No.397 of 2018

1. This revision has been preferred against the judgment dated 22.08.2016, passed in Criminal Appeal No.41 of 2016 by the learned Additional Judicial Commissioner – IV, Ranchi,

affirming the judgment dated 21.01.2016, passed by the court of learned Judicial Magistrate, 1st Class, Ranchi, in Complaint Case No.430 of 2010 (T. R. No.72 of 2016) whereby the petitioner has been found guilty and convicted for the offence under Section 138 of the Negotiable Instrument Act, and sentenced to undergo simple imprisonment of three months and to pay the compensation of Rs.5,00,000/-.

2. Learned counsel for the petitioner has submitted that during the pendency of this revision application, on the intervention of friends, well wishers and relatives, both the parties have amicably settled the dispute and entered into settlement by way of memorandum of understanding dated 05.12.2017 (Annexure - 1). In terms of settlement the petitioner has deposited the entire agreed amount in the account of O.P. No.02 vide cheques No.00003 and 00004 dated 05.12.2017.

Accordingly, prayer has been made to quash and set aside the judgments of the courts below.

3. Learned counsel appearing on behalf of the O.P. No.02 has not controverted, the fact, that both the parties have amicably settled the matter and O.P. No.02 has received the agreed amount. It is submitted that since the O.P. No.02's grievance has been redressed, he does not want to proceed further with prosecution of the case.

4. Heard. Considering, the fact, that both the parties have amicably settled the matter and the offence under Section 138 of the N. I. Act is compoundable, accordingly the compromise is allowed. In view of the amicable settlement arrived at between the parties, the continuation of further proceeding in the case will only be an exercise in futility resulting in wastage of time and an abuse of the process of Court. Thus, in view of the joint compromise entered into by the parties and for the ends of justice, the judgment dated 22.08.2016, passed in Criminal Appeal No.41 of 2016 by the learned Additional Judicial Commissioner – IV, Ranchi and the judgment dated 21.012016, passed by the learned Judicial Magistrate, 1st Class, Ranchi, in Complaint Case No.430 of 2010 (T.R. No.72 of 2016), are, hereby, quashed and set aside,

5. In the result, the petitioner is acquitted of the offence

under Section 138 of the N.I Act.

6. Consequent thereto, the petitioner is exempted from surrendering in the court below in terms of Rule 159 of the High Court of Jharkhand Rules, accordingly, I.A. No.397 of 2018 stands disposed off.

(AMITAV K. GUPTA, J.)

Chandan/-