

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1340 of 2019

- Kishor Kumar Rohra @ Ballu, S/o Heeranand Rohra, Aged About 40 Years, R/o Village Near To Gudakhu Factory Bandhwapara ,Thana Sarkanda Tahsil and District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

- Shankar Lokvani, S/o Ashok Lokvani, R/o Yadunandan Nagar, Tifra Thana Civil Line Tahsil and District-Bilaspur, Chhattisgarh.

---- Respondent

For applicant : Mr. K.K. Khatri, Advocate.

For respondent : Mr. Ashish Shukla, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/03/2021

1. Applicant is present before this Court along with his counsel Mr. K.K. Khatri, Advocate.
2. Respondent is present before this Court along with his counsel Mr. Ashish Shukla, Advocate.
3. Heard on application praying for permission to compound the offence for which the applicant has been convicted in this case.
4. The applicant has been convicted under Section 138 of Negotiable Instrument Act (for short 'NI Act') by the trial Court in Complaint Case No.59/2012 by the judgment dated 14.5.2019. The Criminal Appeal No.138/2019 preferred against this judgment of conviction and sentence has been decided and dismissed by order dated 16.10.2019 which is the impugned order.
5. It is submission of the counsel from both the parties, that they have

resolved their dispute and amicably settled their differences, therefore, they may be permitted to compound the offence. The offence under Section 138 of NI Act is compoundable under Section 147 of the NI Act, hence, looking to the submissions made and that the offence is compoundable, the application is allowed and permission is granted for composition of offence.

6. An application has been separately filed praying for allowing the compromise between the parties. The complainant/respondent Shankar Lokwani is present in person before this Court he has made statement that he is willingly giving consent for this compromise and that the dispute between the parties has been resolved, hence, finding the consent given by respondent is appears to be free, therefore, this composition application is allowed.
7. Heard on revision petition.
8. This revision petition has been brought challenging the legality, propriety and correctness of the judgment dated 16.10.2019 passed in Criminal Appeal No.148/2019, by which the appellate Court had confirmed the conviction and sentence imposed upon the applicant by the trial Court in judgment dated 14.5.2019.
9. Considered on the submissions. As the applicant and respondent both have compromised and their application for composition has been allowed by this Court, therefore, this revision petition is allowed. The impugned judgment is hereby set aside. The applicant is acquitted of charge.

Sd/-

(Rajendra Chandra Singh Samant)
Judge