

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.295 of 2022

Shakuntala Si

....

Petitioner

*Mr. Bibekananda Bhuyan,
Advocate*

-versus-

Mainuddin

....

Opp. Party

Mr. Abhishek Dash, Advocate

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
18.10.2022**

I.A. No.652 of 2022

Order No.

02.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This is an application for condonation of delay in filing the revision petition.

The Stamp Reporter has pointed out that there is a delay of fifteen days in filing the revision petition.

Mr. Abhishek Dash, learned counsel for the opposite party submits that he has no objection for condonation of delay.

After going through the averments taken in the interim application and on hearing the learned counsel for both the parties, I am inclined to condone the delay in filing the revision petition.

Accordingly, the I.A. is disposed of.

(S.K. Sahoo)
Judge

CRLREV No.295 of 2022

03. The petitioner so also the opposite party has filed separate affidavit indicating that the matter has already been amicably settled between them at the intervention of the well wishers and the village gentries.

Both the petitioner and the opposite party are present in Court and they produced their original Aadhar Card and the copy of the Aadhar Card is retained and the original is returned to them.

The complainant-opposite party on being questioned submitted that he has received the compensation amount as awarded by the learned trial Court and he has no objection if the revision petition is allowed and the petitioner is acquitted of the charge.

The petitioner Shakuntala Si also submits that the matter has been amicably settled.

Heard.

The petitioner has been convicted under section 138 of the Negotiable Instrument Act (hereafter 'N.I.

Act') and sentenced to undergo S.I. for eight months and to pay compensation of Rs.7,00,000/- (rupees seven lakhs) to the complainant as per the provision of section 357 of Cr.P.C. and, in default of payment of compensation amount, to undergo further S.I. for one month by the learned J.M.F.C., Baripada in 1.C.C. Case No.25 of 2014 and the learned Appellate Court confirmed the judgment and order of conviction passed by the learned trial Court in Criminal Appeal No.18 of 2017 as per impugned judgment and order dated 12.05.2022.

Perused the impugned judgments.

Section 147 of the N.I. Act says that the offences are compoundable.

Section 320(6) of Cr.P.C. indicates that a High Court or Court of Session acting in the exercise of its powers of revision under section 401 may allow any person to compound any offence which such person is competent to compound under this section.

In view of the aforesaid provision of the N.I. Act so also Cr.P.C. and the fact that the matter has been amicably settled between the parties and it is a compoundable offence and in view of the compromise between the parties, the CRLREV is allowed. The impugned judgment and order of conviction passed by the learned J.M.F.C., Baripada in 1.C.C. Case No.25 of 2014 in convicting the petitioner under section 138 of

the N.I. Act is hereby set aside.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM

