

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.821 of 2022

Arising Out of PS. Case No.-2211 Year-2013 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Pashupati Nath Singh S/O Late Satrugan Prasad Singh Resident of Village-
Rajput Nagar Road, House No- 16, Gandak Colony, P.S.- Hajipur, District-
Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Udgar Singh S/O Late Satrugan Prasad Singh Resident of Village-
Rajput Nagar Road, House No- 16, Gandak Colony, P.S.- Hajipur District-
Vaishali at present Resident of S.N. Road, Sudhanshu Lodge, Naya Tola,
P.S.- Kazi Mohammadpur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Samrendra, Advocate
		Mr. Manager Sah, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the O.P. No.2	:	Mr. Mahendra Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 06-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The instant revision has very checkered and
unfortunate history.

3. The private opposite party filed a case under
Section 138 of the Negotiable Instrument Act against the
petitioner, since deceased, who happens to be the full brother of
the private opposite party. The Trial Court convicted the
petitioner and sentenced him to suffer imprisonment for a period
of one year and also directed to pay fine of Rs.10/- lacs to the



opposite party no.2. The petitioner preferred an appeal before the First Appellate Court, the appeal was dismissed, challenging the concurrent finding of conviction and sentence the petitioner preferred the instant revision.

4. It is submitted by the learned advocate for the petitioner that during the pendency of the instant revision, the petitioner has already paid the entire amount to the opposite party no.2. Subsequently, during the pendency of the instant revision he had met with an accident and expired on 21.12.2023. During his life time the petitioner and the opposite party no.2 filed a joint petition for compounding the offence in view of payment of the cheque amount alongwith the fine amount. The petitioner has filed the said joint petition along with a supplementary affidavit, which is kept with the record.

5. The learned advocate for the opposite party no.2 admits that the opposite party no.2 has already received the entire fine amount. Imposition of sentence of imprisonment cannot be executed as the petitioner has expired.

6. In view of such circumstances, the petition dated 24.07.2023 is accepted.

7. The dispute between the parties be compounded under Section 147 of the Negotiable Instruments Act.



8. As the offence is compounded, nothing remains in the instant revision. Accordingly, the instant revision is disposed of.

9. In view of compounding of the offence, both the judgments relating to imposition of sentence of imprisonment is quashed and set aside.

(Bibek Chaudhuri, J)

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