IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr. Revision No. 176 of 2024
Decided on: 17.12.2024

Ram Kishor …….. petitioner

Versus

Ravinder Kumar

…….respondent

Coram:
Hon'ble Mr. Justice Bipin Chander Negi, Judge
Whether approved for reporting? [1]

For the petitioner : Ms. Reeta Hingmang, Advocate.

For the respondent :

Bipin C. Negi, Judge (oral)

CR. Revision No.176/24 and Cr.MP No.2346/24

In the present Criminal Revision Petition bearing No.176 of 2024, a Cr.MP No.2346 of 2024 for compounding of the offence has been filed.

2. The present criminal revision has been filed against the judgment of conviction and order of sentence dated 12.12.2022, whereby the petitioner was convicted by the learned Additional Chief Judicial Magistrate, Palampur, District Kangra, H.P. for having committed offence punishable under Section 138 of Negotiable Instruments Act (hereinafter referred to as NI Act). He was sentenced to undergo simple imprisonment for a period six months and to pay compensation of Rs.1,50,000/- to the complainant. The judgment of conviction and order of sentence

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

were affirmed by the learned Sessions Judge, Palampur, District Kangra, HP, vide judgment dated 29.02.2024. Both these judgments and sentence order have been assailed by the petitioner in the instant criminal revision petition.

3. During the pendency of the present petition, it is submitted that the entire compensation amount, in the case at hand stands deposited. Learned counsel appearing on behalf of the respondent submitted that he does not intend to file the reply to the application for compounding of the offence as the matter in question stands compromised inter se the parties. In this respect, statement of the respondent/complainant stands recorded before this Court on 8th May, 2024 Therefore, Cr.MP No.2346 of 2024 for compounding of the offences is allowed.

4. In view of the aforesaid, the judgment of conviction and order of sentence passed, in the case at hand, by the trial Court and upheld by the learned Sessions Judge vide impugned judgment dated 29.02.2024 are quashed and set aside, subject to depositing of 15% of the cheque amount as compounding fee. The same shall be paid to the H.P. State Legal Services Authority, Kasumpti, Shimla, H.P. within four weeks from today in terms of judgment passed by the Hon'ble Apex Court in Damodar S. Prabhu vs. Sayed Babalal H. (2010) 5 SCC 663. It is made clear that the setting aside of the conviction and order of sentence in the case at hand is subject to petitioner depositing 15% of the

cheque amount as costs before H.P. State Legal Services Authority. The present criminal revision stands disposed of in the above terms of, so also the pending miscellaneous application(s), if any.

Report qua deposit of 15% of the cheque amount with HP State Legal Services Authority be sought from the concerned authority on or before 21.01.2025. In the meanwhile, petitioner is also free to place copy of receipt qua payment made to the HP State Legal Services Authority.

(Bipin Chander Negi)
Judge

December 17, 2024
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