IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No.292 of 2024
Date of Decision: 24th December, 2024.

Mehar Chand .....Petitioner.

Versus

The Baghat Urban Cooperative Bank Ltd. .....Respondent.

Coram

The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr. Suresh Kumar, Advocate, for the petitioner.

For the Respondent: Mr. Narender Sharma, Advocate, for the respondent.

Bipin Chander Negi, Judge *(oral).*

CR. Revision No.292/24 and Cr. MP No.5366/24

In the present Criminal Revision Petition bearing No.292 of 2024 a Cr.MP No.5366 of 2024 for compounding of the offence has been filed.

2. The present criminal revision has been filed against the judgment dated 06.08.2022, whereby the petitioner was convicted by the learned Chief Judicial Magistrate, Solan, District Solan, HP 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 one year and to pay compensation of Rs.5,00,000/- to the complainant. In default of the payment he

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

has to undergo further SI for one month. The judgment of conviction and order of sentence were affirmed by the learned Addl. Sessions Judge-I, Solan, District Solan, HP, vide judgment dated 01.04.2024. 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 matter inter se the parties stands settled. Entire compensation amount stands deposited in the Registry of this Court or before the trial Court. Therefore, Cr.MP(M) No.5366 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 Sessions Judge vide impugned judgment dated 01.04.2024 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 eight 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 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 **03.03.2025**.

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

24th December, 2024
(Gaurav Rawat)