IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 1227 of 2025

Md Aslam, aged about 44 years, son of Late Ali Hussain, resident of Sri Ram Gali, Junbandh, Jhousagarhi, PO and PS – Deoghar Town, District - Deoghar **.... Petitioner**

-- Versus --

1. The State of Jharkhand
2. Julficar Ali @ Md. Julfikar Ali, son of Md. Yunus, resident of Kali Rakha, Unbandh, Jhousagarhi, Deoghar, PO and PS – Deoghar Town, District - Deoghar **.... Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:-	Mr. Parambir Singh Bajaj, Advocate
For the State	:-	Mr. Vineet Kr. Vashistha, Advocate
For O.P. No.2	:-	Mr. Sudhanshu Kr. Deo, Advocate

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*07/**23.12.2025*** Heard learned counsel appearing for the petitioner, learned counsel appearing for the State and learned counsel appearing for the opposite party No.2.

2. I.A. No.17073 of 2025 has been filed for condoning the delay of 183 days.

3. Learned counsel appearing for the petitioner submits that the petitioner is in custody since 10.10.2025 and he was trying to settle the matter and in view of that the delay has occurred and finally settlement has made between the parties.

4. Learned counsel appearing for the State and Opposite Party No.2 have got no serious objection if such delay is condoned.

5. In view of the above and considering the compromise, the delay of 183 days is hereby condoned.

6. I.A. No.17073 of 2025 is hereby allowed and disposed of.

7. Learned counsel appearing for the petitioner further submits that I.A. No.17074 of 2025 has been filed for suspension of sentence and grant of bail to the petitioner. He further submits that the petitioner is in custody since 10.10.2025 and in the said I.A. itself the prayer is also made for compromise and separate agreement of compromise has been annexed dated 09.09.2025.

8. He next submits that the present criminal revision is preferred against the judgment dated 09.10.2024 passed by learned Sessions Judge, Deoghar in Criminal Revision No.93 of 2023 whereby the learned Court has been pleased to dismiss the appeal and affirmed the judgment of conviction and order of sentence dated 07.10.2023 passed by learned Judicial Magistrate 1st Class, Deoghar in connection with C.P. Case No.270 of 2020 corresponding to T.R. Case No.471 of 2023 whereby the learned Judicial Magistrate has been pleased to convict and sentence the present petitioner for S.I. for one year and to pay a sum of Rs.6,60,000/- as compensation to the complainant.

9. Learned counsel appearing for the petitioner also submits that now a good sense has prevailed between the parties and both the sides have compromised the matter and it has been agreed that the petitioner will pay a sum of Rs.4 lacs to the opposite party No.2/complainant in light of agreement which is annexed as Annexure-1 to the I.A. meant for compromise. He next submits that the said amount has already been paid to the opposite party No.2/complainant. He submits that the matter is arising under Section 138 of Negotiable Instruments Act which is

compoundable under Section 147 of Negotiable Instruments Act and in view of that the petitioner may kindly be exonerated and compromise may kindly be allowed.

10. Learned counsel appearing for the State submits that it appears that compromise is there and the matter is arising under Section 138 of Negotiable Instruments Act.

11. Learned counsel appearing for the opposite party No.2 accepts the submission of learned counsel appearing for the petitioner. He further submits that in the I.A., meant for suspension and compromise, the agreement is annexed as Annexure-1. He accepts the submission of learned counsel appearing for the petitioner that a sum of Rs.4 lacs has been received by the opposite party No.2/complainant and in view of that opposite party No.2 does not want to proceed further in the matter and in view of that this case may kindly be disposed of.

12. In view of above submission of learned counsel appearing for the parties and considering that the matter is arising under Section 138 of Negotiable Instruments Act which is compoundable under Section 147 of Negotiable Instruments Act and both the parties have compromised the matter and in view of that the Court allowed the compromise between the parties.

13. Reference may be made to the case of ***New Win Export and Another versus A. Subramaniam reported in (2024) SCC OnLine SC 1741,*** wherein at paragraph Nos.6 and 7 it has been held as under:-

> ***"6.*** *At this juncture, we would also like to reiterate a few words regarding the principles of compounding of*

offences in the context of NI Act. It is to be remembered that dishonour of cheques is a regulatory offence which was made an offence only in view of public interest so that the reliability of these instruments can be ensured. A large number of cases involving dishonour of cheques are pending before courts which is a serious concern for our judicial system. Keeping in mind that the 'compensatory aspect' of remedy shall have priority over the 'punitive aspect', courts should encourage compounding of offences under the NI Act if parties are willing to do so. (See : Damodar S. Prabhu v. Sayed Babalal H. (2010) 5 SCC 6631 , Gimpex Private Limited v. Manoj Goel (2022) 11 SCC 7052 , Meters And Instruments Private Limited v. Kanchan Mehta (2018) 1 SCC 5603)

7. *In Raj Reddy Kallem v. The State of Haryana [2024] 5 SCR 203, this Court followed the same principles and quashed a conviction under the NI Act, by invoking its powers under Article 142, even though the complainant therein declined to give consent for compounding, observing that the accused has sufficiently compensated the complainant."*

14. In view of the above and considering the compromise the Court allow the compromise petition, as such the case is allowed to be compounded between the parties.

15. I.A. No.17074 of 2025 is allowed and disposed of.

16. Consequently, the petitioner is acquitted by setting aside the judgment of conviction and order of sentence dated 07.10.2023 passed by learned Judicial Magistrate 1st Class, Deoghar in connection with C.P. Case No.270 of 2020 corresponding to T.R. Case No.471 of 2023 and order dated 09.10.2024 passed by learned Sessions Judge, Deoghar in Criminal Revision No.93 of 2023.

17. The petitioner shall be put at liberty forthwith and he is discharged from any liability.

18. Consequently, the prayer for suspension of sentence and bail is also disposed of.

19. This Criminal Revision Petition is hereby allowed in above terms and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 23.12.2025
Sangam/
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