



2025:UHC:5035

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 345 of 2025

17 June, 2025

Shubhash Chandra

.....Revisionist

Versus

State Of Uttarakhand and Another

.....Respondent

Presence:-

Mr. Deepak Pethsali, learned counsel for the revisionist.

Mr. B.C. Joshi, learned A.G.A. for the State.

Mr. Sunil Joshi, learned counsel for respondent no.2.

Hon'ble Pankaj Purohit, J. (Oral).

This revision is filed against the judgment and order dated 01.04.2023 passed by Additional Sessions Judge, Laksar, District Haridwar in Criminal Appeal No.217/2022 “Subhash Chandra vs. State of Uttarakhand & another” as well as the judgment/order dated 16.09.2022 passed by learned Judicial Magistrate/Civil Judge (Junior Division), Laksar, District Haridwar in Complaint No. 08/2017, whereby the revisionist has been convicted under Section 138 of Negotiable Instruments Act 1881 and has been sentenced to undergo simple imprisonment for a period of six months along with a fine of ₹ 2,70,000/- out of the fine amount ₹ 2,50,000/- will have to be given as compensation to the respondent and ₹ 20,000/- fine will have to be paid into the Government account with default stipulation of additional two months simple imprisonment.

2. As per the report of the Registry, there is a delay of 709 days in filing the present revision. An application for condonation of delay, supported by an affidavit, has been filed



with the averments that the delay of 800 days occurred due to lack of sufficient funds and that the revisionist approached this Hon'ble Court for redressal as soon as the required funds were arranged, therefore, the delay in filing the present revision be condoned.

3. Learned State Counsel as well as learned counsel for Respondent No. 2 have no objection to the grant of application for condonation of delay.

4. Cause shown is sufficient. Delay condonation application is allowed. Delay in filing the criminal revision is condoned.

5. Along with the present revision a Compounding Application IA No.2/2025 duly supported by separate affidavits has been filed by the parties stating therein that the revisionist and the respondent/complainant have settled their dispute amicably outside the Court and now they have no grudge against each other. It is also stated that both the parties have entered into compromise with their own free will without any fear or pressure and that the respondent no.2 does not want to prosecute the revisionist any further.

6. Revisionist is in jail. Mrs. Satya Devi, wife of the revisionist is doing parvi on his behalf, is present in the Court, duly identified by her counsel. Respondent no.2-Mr. Johar Singh is also present in the Court being duly identified by her respective counsel.

7. Respondent No. 2 – Mr. Johar Singh would submit that a compromise has been arrived at between him and the revisionist; that, as per the terms of the compromise, the revisionist has agreed and is willing to pay a sum of ₹1,50,000/- to respondent no. 2, therefore, respondent no.2-Mr. Johar Singh



does not wish to pursue the case any further.

8. Since both the parties have settled the dispute, which was purely private in nature, there is no use in keeping this revision pending and it would be appropriate to decide the same on the basis of compromise arrived at between the parties.

9. Consequently, impugned judgment/order dated 01.04.2023 passed by Additional Sessions Judge, Laksar, District Haridwar in Criminal Appeal No.217/2022 “Subhash Chandra vs. State of Uttarakhand & another” as well as the judgment/order dated 16.09.2022 passed by learned Judicial Magistrate/Civil Judge (Junior Division), Laksar, District Haridwar in Complaint No. 08/2017, are set aside subject to depositing 15% of the amount ₹2,50,000/- i.e. ₹37,500/- as directed to be paid to the respondent/complainant by the learned Trial Court as required to be deposited in such cases, in view of the judgment of the Hon'ble Supreme Court in the case of *Damodar S. Prabhu Vs. Sayed Babalal H.*, (2010) 5 SCC 663 to the account of Uttarakhand High Court Advocates Welfare Fund, High Court Bar Association, Nainital.

10. Subject to the above, the criminal revision is allowed and the revisionist is acquitted of the charge of offence punishable under Section 138 of Negotiable Instruments Act on the basis of compromise arrived at between the parties obviously subject to deposit of 15% i.e. ₹37,500/- as stated above.

11. Pending applications, if any, also stand disposed of.

(Pankaj Purohit, J.)
17.06.2025