IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV NO.844 of 2026
CNR NO. ODHC010883582026

(In the matter of application under Section 442 read with Section 438 of BNSS).

Suresh Mohanty … ***Petitioner***

-versus-

Amrut Kumar Behera … ***Opposite Party***

For Petitioner : ***Mr. A. Mishra, Advocate***

For Opposite Party : ***Mr. A. Nayak, Advocate***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:11.11.2026(ORAL)

G. Satapathy, J.

CRLREV No.844 of 2026 & IA No.1277 of 2026

1. This judgment shall not only dispose of the present Criminal Revision on compromise, but also the IA No.1277 of 2026 filed by the revision-petitioner U/S.5 of the Limitation Act, 1963 to condone the delay of 1064 days in preferring the Criminal Revision to challenge the concurring judgment of conviction and sentence passed by the learned Appellate and Trial Courts against the revision-petitioner for commission of offence U/S.138 of NI Act.

2. The facts in this case, being largely undisputed are not reiterated to avoid prolixity; but it is submitted by the learned counsel for both the parties that the matter has already been settled with payment of the compensation to the complainant. In support of such contention, a joint affidavit has been filed by the complainant and the wife of the revision-petitioner-cum-convict towards amicable settlement of the dispute.

3. Heard, Mr. Ashutosh Mishra, learned counsel for the revision-petitioner and Mr. Abinash Nayak, learned counsel who enters appearance for the OP in the Court today by filing Vakalatnama, which is taken on record and the joint affidavit filed by both the parties is put up for consideration.

4. Admittedly, there is a delay of 1064 days, but the OP-complainant has no objection for condonation of delay. Undeniably, the petitioner has not only the right to question his conviction and sentence, but also he cannot be prevented to question his conviction and sentence merely because he has filed the revision petition with some delay and more particularly, when both the accused

revision-petitioner and complainant have entered into compromise, which is evident from the joint affidavit filed in this case. In the aforesaid circumstance and situation, this Court considers that interest of justice would be best served, if the delay in preferring the revision is condoned. Accordingly, the delay of 1064 days is, hereby, condoned. Hence, **IA No.1277 of 2026** stands disposed of.

5. It is not in dispute that a joint affidavit has been filed in this case to evidence settlement between the parties, but such affidavit has been signed by the complainant and the wife of the convict-cum-revision-petitioner being authorized by her husband. On being queried, the complainant being identified by learned counsel Mr. Abinash Nayak present in the Court confirms that he has entered into compromise by receiving the compensation amount and he further stated that he has got no objection for compounding of the offence. It is *inter-alia* stated in paragraph-4 of the joint affidavit about settlement in the matter, which reads as under: -

> *"**4.** That the Opp. party (Amrut Kumar Behera) remaining present before this Hon'ble Court files this Joint Affidavit declaring out of own will & volition that I*

have received the full compensation amount & I do not want to proceed further in this case. I respectfully pray that the Hon'ble Court may be kind enough to set aside the Judgments of conviction passed by both the Courts below & may acquit the petitioner as the matter has been amicably resolved between the parties."

6. Section 147 of NI Act provides for composition of offence and, therefore, the offence U/S.138 of NI Act is compoundable in nature. In the aforesaid facts and circumstance and on consideration of the materials placed on record together with the joint affidavit filed by the complainant and the wife of the convict-cum- revision-petitioner and taking into account the positive attitude of the parties in compromising the case and keeping in view the law laid down by the Apex Court in ***Madhya Pradesh State Legal Service Authority Vrs. Prateek Jain And Another; (2014) 10 SCC 690***, this Court permits the parties to compromise the case and compound the offence U/S.138 of NI Act.

7. In the result, the CRLREV stands allowed on compromise, but there is no order as to costs. Consequently, the impugned judgments of conviction and

sentence passed by the learned Appellate and Trial Courts against the revision-petitioner are, hereby, set-aside and the revision-petitioner is accordingly acquitted of the charge for commission of offence U/S.138 of NI Act.

8. It is stated at the Bar that the revision-petitioner is in custody and, therefore, he be set at liberty forthwith, if his detention is not otherwise required in connection with any other case. The Registrar (Judicial) is, hereby, requested to send the warrant of release of the convict to the concerned jail forthwith along with the copy of this judgment so as to enable the jail authority to set the convict-cum-revision-petitioner herein at liberty, if his detention is not required otherwise in connection with any other case.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 11th day of November, 2026/Subhasmita

Signature Not Verified
Digitally Signed
Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 18:22:24