**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Criminal Revision No.245 of 2025**
**Date of Decision: 27.4.2026**

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**Jagpal Singh**

**.....Petitioner**

**Versus**

**Dulla Ram**

**.....Respondent**

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**Coram**
**Hon'ble Mr. Justice Sandeep Sharma, Judge.**
**Whether approved for reporting?**

**For the Petitioner:** Ms. Ritta Goswami, Senior Advocate with Ms. Komal Chaudhary, Advocate.

**For the Respondent:** Mr. Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate.

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**Sandeep Sharma, J.** *(Oral)*

Instant criminal revision petition, lays challenge to judgment dated 10.2.2025, passed by the learned Additional Sessions Judge, Paonta Sahib, District Sirmaur, Himachal Pradesh, in Criminal Appeal No. 44-2024, affirming judgment of conviction and order of sentence dated 28.3.2024, passed by the learned Judicial Magistrate First Class (2), Paonta Sahib, District Sirmaur, Himachal Pradesh, in Criminal Complaint No.132/22, whereby the learned trial Court while holding the petitioner-accused guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act (in short the "Act"), convicted and sentenced him to undergo simple imprisonment for a period of six months

and pay compensation to the tune of Rs. 5,20,000/- to the respondent-complainant (herein after referred to as the “complainant” ).

**2.** Precisely, the facts of the case, as emerge from the record are that complainant instituted a complaint under Section 138 of the Act, in the competent court of law, alleging therein that accused issued two cheques amounting to Rs. 2,00,000/- and Rs.3,00,000/- in favour of the complainant with a view to discharge his liability, but fact remains that the aforesaid cheques on their presentation were dishonoured on account of insufficient funds. Since accused failed to make the payment good within the time stipulated in the legal notice, respondent/complainant was compelled to initiate proceedings before the competent Court of law under Section 138 of the Act.

**3.** Learned trial Court on the basis of pleadings as well as evidence adduced on record by the respective parties, vide judgment/order dated 28.3.2024, held the petitioner-accused guilty of having committed offence under Section 138 of the Act and accordingly, sentenced him as per the description given herein above.

**4.** Being aggrieved and dissatisfied with the aforesaid judgment of conviction recorded by the court below, accused preferred an appeal before learned First Appellate Court, which also came to be dismissed vide judgment 10.2.2025, as a consequence of which, judgment of conviction

recorded by the learned trial Court came to be upheld. In the aforesaid background, present petitioner-accused has approached this Court by way of instant proceedings, seeking therein his acquittal after setting aside the judgments of conviction recorded by the courts below.

**5.** Before case at hand could be heard and decided on its own merit, Ms. Ritta Goswami, learned Senior Counsel, appearing for the petitioner, states that parties have entered into compromise, whereby accused has agreed to pay the entire amount of compensation awarded by the learned trial Court. She states that sum of Rs.2,86,000/- has been already deposited with the learned trial Court, which can be ordered to be released in favour of the respondent/complainant. She has also paid sum of Rs.2,34,000/- in cash today in the Court to Ms. Kusum Chaudhary, Advocate, to be further handed over to the respondent/complainant. She states that since petitioner has already paid the entire amount of compensation, this Court while exercising power under Section 147 of the Act, may compound the offence and acquit the accused.

**6.** Mr. Bimal Gupta, learned Senior Counsel appearing for the Respondent-complainant states that in view of the compromise arrived at inter-se parties and receipt of the entire compensation amount, he shall have no objection in compounding the offence, but since respondent-

complainant was unnecessarily dragged into litigation for realization of his own money, this Court may also award some litigation cost.

**7.** Having taken note of the fact that entire amount of compensation stands paid to the respondent-complainant and respondent has no objection in compounding the offence, this Court sees no impediment in accepting the prayer made on behalf of the petitioner for compounding of offence, while exercising power under Section 147 of the Act as well as in terms of guidelines issued by the Hon'ble Apex Cour*t in* ***Damodar S. Prabhu V. Sayed Babalal H. (2010) 5 SCC 663***, wherein it has been categorically held that court, while exercising power under Section 147 of the Act, can proceed to compound the offence even after recording of conviction.

**8.** Consequently, in view of the above, present matter is ordered to be compounded and impugned judgments of conviction and sentence dated 10.2.2025 and 28.3.2024, passed by the learned courts below are quashed and set-aside and the petitioner-accused is acquitted of the charge framed against him under Section 138 of the Act. Interim order, if any, is vacated. Bail bonds, if any, are discharged. Since respondent-complainant was unnecessarily compelled to institute legal proceedings against the accused that too for realization of its own money, this court deems it fit to direct the accused to pay sum of Rs. 15,000/- as litigation cost, to the respondent-

complainant, payable within four weeks. Ordered accordingly. Learned trial court below is directed to release Rs.2,86,000/- deposited by the petitioner-accused in favour of the respondent-complainant, by remitting the same in his saving bank account, detail whereof shall be furnished within one week. The petition is disposed of along with pending applications, if any.

**April 27, 2026** **(Sandeep Sharma),**
(manjit) **Judge**