HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Revision Petition No. 902/2026
CNR: RJHC010560782026 | URN: CRLR / 2003U / 2026

Sohan Lal Jain S/o Jethmal Jain, Aged About 52 Years, R/o Opposite Mahamandir Railway Station, Mirasi Colony, Jodhpur. **(Presently Petitioner is in Central Jail Jodhpur)**

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Rawat Singh S/o Chain Singh, R/o Under Ramgadi, Kaga Colony, Jodhpur.

----Respondents

For Petitioner(s)	:	Mr. Sharwan Choudhary
For Respondent(s)	:	Mr. Sri Ram Choudhary, PP Mr. D.S. Gaur

HON'BLE MS. JUSTICE REKHA BORANA

Order

10/08/2026

1. The present Criminal Revision Petition has been filed against judgment dated 10.04.2026 passed by the Additional Sessions Judge No.2, Jodhpur Metropolitan in Criminal Appeal No.15/2017 (NCV No.417/2017) whereby the appeal stood dismissed; the conviction and sentence of the petitioner for offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'N.I. Act') vide judgment dated 30.06.2017 passed by Special Metropolitan Magistrate (N.I. Act Cases) No.2, Jodhpur Metropolitan in Criminal Case No.7992/2015 (180/2015), stood affirmed. Vide judgment dated 30.06.2017, the petitioner had been sentenced to undergo six months' S.I. along with a

compensation/fine of Rs.1,50,000/- and in default of payment of compensation/fine, to further undergo one month S.I.

2. Counsel for the petitioner submits that a compromise has been arrived into between the parties as the complete cheque amount has been paid by the petitioner to the complainant. It has therefore been prayed that the judgment of conviction as well as the order of appeal be quashed and set aside.

3. Counsel for respondent No.2 does not refute the fact of settlement and submits that the complainant does not wish to pursue the matter further.

4. Heard learned counsel for the petitioner, respondent No.2 as well as the learned Public Prosecutor.

5. Having considered the facts and circumstances of the case, since the parties have settled the dispute and the complainant has received the complete cheque amount, in view of ratio laid down by Hon'ble the Apex Court in ***Damodar S. Prabhu Vs. Sayed Babalal H.; 2010 (5) SCC 663***, sentence awarded to the petitioner for offence under Section 138 N.I. Act can be compounded under Section 147 of the Act, at any stage of the proceedings.

6. Coming on to the issue whether the cost as directed vide the judgment in ***Damodar S. Prabhu*** (supra) is mandatorily to be imposed, in the latest judgment of ***Rajeev Khandelwal Vs. State of Maharashtra & Anr.; SLP (Crl.) No. 14340/2025 (CNR No. SCIN010504622025)*** (decided on 04.11.2025) Hon'ble the Apex Court, while dealing with the issue and

considering the guidelines as framed in ***Damodar S. Prabhu*** (supra) held as under:

> *"The law laid down in the aforementioned judgment cannot be regarded as a binding precedent, as every case must be considered on its own facts. In the present case, we are inclined to hold that the direction imposing costs on the appellant, to be paid to the Legal Services Authority cannot be sustained in the eye of law, particularly when the complainant does not want any further amount and the appellant has expressed his inability to comply with the same, which aspect is not in dispute."*

7. Applying the above ratio to the present matter, herein too, Counsel for the complainant has specifically submitted that the complainant does not wish to pursue the matter any further.

8. Further, keeping into consideration the fact that the petitioner is in custody since arrest, this Court considers it apt to waive the condition of imposition of cost.

9. In view of the settlement as arrived into between the parties and the position of law which lays down that the offence under Section 138, N.I. Act is compoundable under Section 147, N.I. Act at any stage of the proceedings, the present revision petition deserves to be and is hereby **allowed**.

10. Judgment of conviction and sentence dated 30.06.2017 passed by Special Metropolitan Magistrate (N.I. Act Cases) No.2, Jodhpur Metropolitan in Criminal Case No.7992/2015 (180/2015) and judgment dated 10.04.2026 passed by the Additional

Sessions Judge No.2, Jodhpur Metropolitan in Criminal Appeal No.15/2017 (NCV No.417/2017) are hereby set aside and the petitioner is acquitted of the charges by compounding the offence. The petitioner – **Sohan Lal Jain S/o Jethmal Jain** is in judicial custody. He shall be released forthwith, if not wanted in any other case.

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

(REKHA BORANA),J

21/Kashish Sankhla