IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. Revision No. 185 of 2024
Decided on : 31.12.2025

Kamlesh

...Petitioner

Versus

Sukhdev Mattu

...Respondent

Coram
Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

For the Petitioner : Petitioner in person with Mr. Jeevesh Sharma, Advocate vice Mr. Himanshoo Panwar, Advocate.

For the Respondents *:* Respondent in person with Mr. Paras Ram, Advocate.

Virender Singh, Judge (oral)

Petitioner Kamlesh has filed the present petition, against the judgment dated 15.1.2024, passed by the Court of learned Sessions Judge, Shimla District Shimla, H.P. (hereinafter referred to as 'the

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Appellate Court'), in Criminal Appeal No. 47-S/10 of 2023, titled as, 'Kamlesh versus Sukhdev Mattu'.

2. By way of judgment dated 15.1.2024, learned Appellate Court has dismissed the aforesaid appeal.

3. The said appeal was preferred against the judgment of conviction, dated 11.9.2023 and order of sentence, dated 20.9.2023, passed by the Court of learned Chief Judicial Magistrate, Shimla, H.P. (hereinafter referred to as 'the trial Court'), in case No. 766 of 2018, titled as, 'Sukhdev Mattu versus Kamlesh'.

4. By way of judgment of conviction and order of sentence, as referred to above, the learned trial Court has convicted the petitioner (hereinafter referred to as 'the accused') for the commission of offence, punishable under Section 138 of Negotiable Instrument Act, (hereinafter referred to as 'the N.I. Act') and sentenced him to undergo simple imprisonment, for a period of six months and to pay a fine of Rs. 1,60,000/- to the complainant.

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5. During the pendency of the revision petition, before this Court, as per the stand taken by the parties, the matter has been compromised between the parties. This fact has been demonstrated from Cr.M.P. No. 5919 of 2025, which has been moved by learned counsel for the petitioner-accused, before this Court, in which, he has prayed that permission to compound the offence may kindly be accorded.

6. The petitioner-accused has appeared before this Court, today and stated, on oath, that the matter has been settled with the respondent, with regard to cheque No. 146714, dated 14.6.2018. He has deposed that he has deposited the settled amount with the learned trial Court, and now nothing is due against him. He has no objection, in case, the amount deposited with the learned trial Court, is released, in favour of the complainant.

7. Respondent has made statement on oath, acknowledging the factual position, as asserted by the petitioner-accused, in his statement. Lastly, he has

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stated that he has no objection, in case, the present petition is allowed. He has prayed that the amount deposited by the petitioner, with the learned trial Court, may kindly be released in his favour.

8. Keeping in view the fact that the parties to the lis have compromised the matter, Cr.M.P. No. 5919 of 2025 is allowed and the petitioner is permitted to compound the offence.

9. In view of the above, the present petition is allowed, by setting aside the impugned judgment of conviction and order of sentence, referred to above, passed by the learned trial Court, and affirmed by the learned Appellate Court, and accused is acquitted from the offence, punishable under Section 138 of the N.I. Act, subject to payment of 7.5% of the cheque amount, as compounding fee. 50% of the compounding fee shall be deposited by the petitioner/accused with the Member Secretary, H.P. State Legal Services Authority, Shimla, and remaining 50% of the amount shall be

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deposited by him with the H.P. High Court Staff Welfare Association, within 8 weeks, from today.

10. The amount deposited by the petitioner, with the learned trial Court, is ordered to be released in favour of the complainant.

11. It is further clarified that in case of failure to deposit the compounding fee, within the prescribed period, the revision petition shall be deemed to have been dismissed and judgment of conviction and order of sentence, shall revive automatically, and the petitioner shall surrender before the learned trial Court to serve out the substantive sentence, imposed by the learned trial Court.

12. The bail bonds furnished by the accused are ordered to be discharged.

13. The pending application(s), if any, are also disposed of.

(Virender Singh)
Judge

December 31, 2025
(Kalpana)

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