IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No.531 of 2024
Date of Decision: 31st December, 2024.

Bali Ram .....Petitioner.

Versus

Banni Mohd. …..Respondent.

Coram

The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr. Khem Raj and Mr. Nitin Rishi, Advocates, for the petitioner.

For the Respondent: Mr. Devender Kumar, Advocate, for the respondent.

Bipin Chander Negi, Judge *(oral).*

CR. Revision No.531/24 and Cr. MP No.5499/24

In the present Criminal Revision Petition bearing No.531 of 2024 a Cr.MP No.5499 of 2024 for compounding of the offence has been filed.

2. The present criminal revision has been filed against the judgment of conviction dated 03.01.2024 and order of sentence dated 05.01.2024, whereby the petitioner was convicted by the learned Judicial Magistrate, 1st Class, Tissa, District Chamba, HP for having committed offence punishable under Section 138 of Negotiable Instruments Act (*hereinafter referred to as NI Act*). He was sentenced to undergo simple imprisonment for a period one year and to pay a compensation of Rs.3,00,000/- to the

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

High Court of H.P.

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complainant. In default of the payment, he has to undergo further SI for one month. The judgment of conviction and order of sentence were affirmed by the learned Addl. Sessions Judge, Chamba, District Chamba, HP, vide judgment dated 24.07.2024. Both these judgments and sentence order have been assailed by the petitioner in the instant criminal revision petition.

3. During the pendency of the present petition, it is submitted that the matter inter se the parties stands settled. Entire compensation amount stands deposited in the Registry of this Court or before the trial Court. Therefore, Cr.MP No.5499 of 2024 for compounding of the offences is allowed.

4. In view of the aforesaid, the judgment of conviction and order of sentence passed, in the case at hand, by the trial Court and upheld by the Addl. Sessions Judge vide impugned judgment dated 24.07.2024 are quashed and set aside and the petitioner be released forthwith, in the case at hand.

5. Learned counsel for the petitioner submits that money, in the case at hand, for settling the dispute has been arranged by the brother of the petitioner, as the petitioner was languishing in jail in furtherance of the conviction so passed, in the case at hand. He further submits that the petitioner presently is not gainfully employed. As a consequence whereof, compounding fee in terms of judgment passed by the Hon'ble Apex Court in ***Damodar S. Prabhu vs. Sayed Babalal H.***

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(2010) 5 SCC 663 is fixed @ 5% of the cheque amount. The same shall be paid to the H.P. State Legal Services Authority, Kasumpti, Shimla, H.P. within four weeks from today. It is made clear that the setting aside of the conviction and order of sentence in the case at hand is subject to petitioner depositing 5% of the cheque amount as compounding fee before H.P. State Legal Services Authority.

The present criminal revision stands disposed in the above terms of, so also the pending miscellaneous application(s), if any.

Report qua deposit of 5% of the cheque amount with HP State Legal Services Authority be sought from the concerned authority on or before **03.03.2025**.

In the meanwhile, petitioner is also free to place copy of receipt qua payment made to the HP State Legal Services Authority.

(Bipin Chander Negi)
Judge

31st December, 2024
(Gaurav Rawat)

High Court of H.P.

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