

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Criminal Revision No. 209 of 2026**
Decided on :10.04.2026

Ravi Dhiman

...Petitioner

Versus

M/s N.G. Enterprises through its Proprietor Nishat Guleria

...Respondent

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner:

Mr. Munish Datwalia and Mr. Ram Kumar, Advocates.

For the respondent:

Mr. Rakesh Thakur, Advocate.

Respondent/Complainant present in person.

Jiya Lal Bhardwaj, Judge (Oral)

Cr.MP(M) No. 585 of 2026

Notice. Mr. Rakesh Thakur, learned counsel, appears and waives service of notice on behalf of the respondent/complainant.

2. By way of present application, the applicant has prayed for condonation of delay in filing the revision petition.

3. Though the delay is inordinate and there is no explanation in the application. However, keeping in view the

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

fact that the matter between the parties stands compromised on 30.03.2026, which fact has been acknowledged by the respondent/complainant, who does not wish to file reply to the application, the application for condonation of delay is allowed and the delay in filing the revision petition is condoned. Application is accordingly disposed of.

Criminal Revision No. 209 of 2026

4. In view of the controversy involved in the present petition, the present petition is taken up for final disposal at this stage, since the parties are duly represented through their counsel.

5. By way of present petition, the petitioner has laid challenge to the order, whereby he stands convicted and sentenced by the learned Judicial Magistrate, 1st Class, Court No. 2, Sundernagar, District Mandi, HP (for short "Trial Court"), in complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, N.I. Act), passed in CIS Case/Registration No. 161 of 2017, titled, ***M/s N.G. Enterprises through its proprietor Nishant Guleria vs. Ravi Dhiman.*** Learned Trial Court vide its order(s) of conviction and sentence dated 09.08.2019 and 29.08.2019,

respectively, sentenced the petitioner to undergo simple imprisonment for four months and further to pay a fine of ₹5,25,000/-, as compensation to the respondent.

6. The respondent had preferred the appeal before the learned Additional Sessions Judge, Sundernagar, District Mandi, HP., which was registered as Registration No. 245 of 2019, titled, **Ravi Dhiman vs. M/s N.G. Enterprises through its Prop. Nishant Guleria**, and dismissed on 02.05.2022.

7. After dismissal of the appeal and confirming the judgment of conviction and sentence passed by the learned trial Court, the petitioner through his wife had entered into a compromise with the respondent on 30.03.2026, which compromise has been placed on record. Learned counsel for the respondent has not disputed the said factum. The respondent, who is present in the Court does not want to proceed further with the complaint.

8. Since the compromise has been entered into between the petitioner (through his wife) and the respondent, whose statement has separately been recorded today, there is no impediment to set the petitioner free, who is in custody and is presently confined in District Jail Mandi,

as apprised by the counsel for the petitioner.

9. In view of the statement made by the respondent/complainant, who has received the amount of compensation as awarded by the learned trial Court, interest of justice demands that judgment of conviction and sentence passed by the learned Trial Court, which stands affirmed in appeal be set aside and the petitioner be acquitted of the offence under Section 138 of the NI Act. However, the same is subject to the condition that the petitioner shall deposit 10% of the cheque amount within four weeks before H.P. Legal Services Authority, Shimla, failing which the judgment passed today will lose its efficacy and the petitioner/accused shall surrender before the trial Court to undergo the sentence imposed.

10. Consequently, the present revision petition is allowed and the judgment of conviction and order of sentence passed on 09.08.2019 and 29.08.2019, respectively, by learned Judicial Magistrate, 1st Class, Court No. 2, Sundernagar, District Mandi, HP, in complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, N.I. Act), passed in CIS Case/Registration No. 161 of 2017, titled, ***M/s N.G. Enterprises through its***



proprietor Nishant Guleria vs. Ravi Dhiman, is quashed and set aside and the petitioner is acquitted of the offence under Section 138 of NI Act.

11. Since the petitioner is stated to be in judicial custody and presently lodged in District Jail Mandi, District Mandi, H.P., he is ordered to be released forthwith, if not required in any other case. Release warrants be prepared accordingly and the same be sent to the Superintendent of District Jail Mandi, District Mandi, H.P., forthwith for necessary compliance. A copy of this order be also sent to the Superintendent of District Jail Mandi, District Mandi, H.P., by FASTER.

10th April, 2026
(Anurag)

(Jiya Lal Bhardwaj)
Judge