



2026:HHC:15061

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No.255 of 2026
Date of Decision: 06.05.2026

Nand Kishore

.....Petitioner

Versus

The Himachal Pradesh State Co-operative Bank Ltd.

.....Respondent

Coram

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

For the petitioner: Mr. Kush Sharma, Advocate.

For the Respondent: Mr. Raman Jamalta, Advocate.

Sandeep Sharma, J. (Oral)

Instant criminal revision petition filed under Section 438 read with 442 of Bharatiya Nagrik Suraksha Sanhita, 2023, lays challenge to judgment dated 17.01.2026 passed by the learned Additional Sessions Judge, Ghumarwin, District Bilaspur, H.P., in Criminal Appeal No.17 of 2023, affirming the judgment of conviction dated 08.02.2023 and order of sentence dated 15.02.2023 passed by learned Judicial Magistrate First Class, Jhandutta, District Bilaspur, H.P., in Criminal complaint No.126/3 of 2021/17, whereby learned Court below, while holding the petitioner-accused (**hereinafter 'accused'**) guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act (**for short 'Act'**) convicted and sentenced him to undergo simple imprisonment for a



period of one year and pay compensation to the tune of Rs.9,00,000/- to the respondent-complainant (**hereinafter 'complainant'**).

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record are that complainant filed a complaint under Section 138 of the Act in the competent court of law, alleging therein that accused with a view to discharge his lawful liability issued cheque bearing No.141127 dated 25.04.2017 amounting to Rs.8,80,000/- in favour of the complainant, however, the same was dishonoured on account of insufficient funds in the bank account of the accused. Since accused failed to make the payment good within the time stipulated in the legal notice, complainant was compelled to initiate proceedings under Section 138 of the Act before the competent Court of law.

3. Learned trial Court on the basis of material adduced on record by the respective parties, vide judgment dated 08.02.2023 and order dated 15.02.2023, held the accused guilty of having committed offence punishable under Section 138 of the Act and accordingly, convicted and sentenced him as per the description given hereinabove.

4. Being aggrieved and dissatisfied with the aforesaid judgment of conviction recorded by the learned Court below, accused preferred an appeal in the court of learned Additional Sessions Judge, Ghumarwin, District Bilaspur, H.P., which also came to be dismissed vide judgment



dated 17.01.2026, as a consequence of which, judgment of conviction recorded by the learned trial Court came to be upheld. In the aforesaid background, accused has approached this Court by way of instant proceedings, seeking therein for his acquittal after setting aside the judgments of conviction recorded by the courts below.

5. Today, during proceedings of the case, learned counsel for the parties apprised this Court that during pendency of the appeal, parties have resolved to settle the dispute amicably *inter se* them, whereby accused has agreed to pay entire amount of compensation awarded by the learned Court below.

6. While making reference to the compromise arrived *inter se* parties, Mr. Kush Sharma, learned counsel for the accused, state that since parties have already compromised the matter, this Court, while exercising power under Section 147 of the Act, may proceed to compound the offence and acquit the accused from the charge framed against him.

7. Mr. Raman Jamalta, Advocate, while putting in appearance on behalf of the complainant, states that he has instructions to depose on behalf of the complainant. He states that complainant has compromised the matter with the accused and as per compromise, complainant has received the entire amount of compensation, as such, he shall have no objection in compounding the offence, but some amount qua litigation charges may be awarded in favour of complainant because it was



unnecessarily dragged into litigation for realization of its own money. His statement is taken on record.

8. Since parties have resolved to settle the dispute amicably *inter se* them, as has been taken note hereinabove, coupled with the fact that complainant has no objection in compounding the offence, this Court sees no impediment in accepting the prayer made on behalf of the accused for compounding the offence, while exercising power under Section 147 of the Act as well as in terms of guidelines issued by the Hon'ble Apex Court 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 by the courts below.

9. Consequently, in view of the discussion made hereinabove as well as law taken into consideration, present matter is ordered to be compounded and impugned judgments of conviction dated 17.01.2026 & 08.02.2023 and order of sentence dated 15.02.2023, passed by the learned Courts below are quashed and set-aside and the 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. The petition is disposed of alongwith pending applications, if any.

10. Since complainant was compelled to engage in unwarranted litigation with the accused for realization of his own amount, accused is



directed to deposit Rs.5,000/- with the HP State Legal Service Authority as compounding fee within a period of six weeks, failing which, he shall render himself liable for penal consequences as well as contempt of court.

(Sandeep Sharma)
Judge

May 06, 2026
(sunil)