

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Criminal Revision No. 426 of 2023****Date of Decision: 06.05.2026**

---

Pune Ram .....Petitioner

Versus

Ishwar Dass ... Respondent

---

Coram:

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

Whether approved for reporting? <sup>1</sup>

---

**For the Petitioner:** Mr. Pranav Kaushal, Advocate.

**For the Respondent:** Mr. Subhash Mohan Snehi and Ms. Niranjana Kumari, Advocates.

---

**Sandeep Sharma, Judge**(oral):

Instant Criminal Revision Petition filed under Section 397 read with Section 401 of the Code of Criminal Procedure, lays challenge to judgment dated 27.05.2023, passed by learned Sessions Judge, Kinnaur, Sessions Division at Rampur Bushahr, District Shimla, Himachal Pradesh, in Criminal Appeal No.13 of 2023, affirming the judgment of conviction and order of sentence dated 23.12.2022, passed by learned Additional Chief Judicial Magistrate, Rampur Bushehr, District Shimla, Himachal Pradesh, in criminal case No. 198 of 2018, whereby learned trial Court, while holding the petitioner-accused (**hereinafter, 'accused'**) guilty of having committed offence punishable under S. 138 of the Negotiable Instruments Act, (for short 'Act') convicted and sentenced him to

---

<sup>1</sup>Whether the reporters of the local papers may be allowed to see the judgment?



undergo simple imprisonment for a period of one year and pay compensation to the tune of Rs.2,60,000/- to the respondent-complainant (*hereinafter, 'complainant'*).

2. Precisely, the facts of the case, as emerge from the record are that the respondent-complainant instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque bearing No.647872, dated 25.06.2018, amounting to Rs. 1,00,000/- and cheque bearing No. 647873, dated 30.06.2018, amounting to Rs. 1,00,000/-(Ex.PW1/B & Ex.PW1/H), having been issued by the petitioner-accused towards discharge of his lawful liability were dishonoured on account of insufficient funds in the bank account of the accused. Since, despite having received legal notice, accused failed to make the payment good well within stipulated time, complainant was compelled to initiate proceedings under Section 138 of the Act in the competent Court of law, which subsequently on the basis of evidence adduced on record by the respective parties, held the accused guilty of having committed offence punishable under S. 138 of Act and accordingly convicted and sentenced him as per description given herein above.

3. Though, being aggrieved and dissatisfied with aforesaid judgment of conviction and order of sentence passed by learned trial Court, accused preferred an appeal in the Court of learned Sessions Judge, Rampur Bushehr, District Shimla, Himachal Pradesh, but



same was dismissed vide judgment dated 27.05.2023. In the aforesaid background, petitioner-accused has approached this court in the instant proceedings, praying therein for his acquittal after setting aside judgments of conviction and order of sentence passed by learned trial Court as well as Appellate Court.

4. Vide order dated 22.08.2023, this Court suspended the substantive sentence imposed upon the accused by learned trial Court, subject to the petitioner-accused depositing 30% of the compensation amount and furnishing bail bonds in the sum of Rs. 25,000/-, with one surety of the like amount to the satisfaction of learned trial Court.

5. Before the case at hand could be heard and decided on its own merit, petitioner has entered into the compromise with the respondent/Complainant, whereby they have resolved to settle their dispute amicably *interse* them.

6. Today, during the proceedings of the case, learned counsel representing the petitioner stated that the petitioner has entered into the compromise with the respondent-complainant, whereby they have resolved to settle their dispute amicably *interse* them. He stated that sum of Rs. 1, 67,000/- has already been received by the respondent-complainant in cash, whereas remaining amount of Rs. 78000/- lying deposited with the learned trial Court can be ordered to be released in favour of the respondent-complainant



and thereafter, this Court, while exercising power under Section 147 of the Act, may proceed to compound the offence and acquit the accused of charge framed against him under Section 138 of the Act.

7. Mr. Subash Mohan Snehi, learned counsel representing the respondent-complainant submitted that respondent-complainant shall have no objection in compounding the offence, subject to the condition that petitioner shall pay remaining amount of Rs.15000/- to the respondent-complainant and the amount lying deposited with the learned trial Court is ordered to be released in favour of the respondent-complainant.

8. Having taken note of the fact that entire amount of compensation has been agreed to be paid to the respondent-complainant and respondent-complainant has no objection in compounding the offence, this Court sees no impediment in accepting the prayer made on behalf of the petitioner for compounding of 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.

9. Consequently, in view of the above, present matter is ordered to be compounded and impugned judgments of conviction



and order of sentence passed by learned trial Court as well as Appellate Court are set-aside and the petitioner-accused is acquitted of the charge framed against him under Section 138 of the Act. Bail bonds, if any, are discharged. Interim order, if any, is vacated.

10. The petitioner is directed to pay sum of Rs. 15,000/- to the respondent-complainant within a period of six weeks, failing which, he shall render himself liable for penal consequences as well as contempt of the Court.

11. Amount lying deposited with the learned trial Court is ordered to be released in favour of the respondent-complainant, by remitting the same in his bank account, details whereof shall be furnished by learned counsel for the respondent-complainant within a period of one week.

**(Sandeep Sharma),  
Judge**

May 06,2026  
(shankar)