

IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA
Cr. Revision No. 526 of 2022

Decided on : 26.11.2025

Kapur

...Petitioner

Versus

Kartar Singh & anr.

...Respondents

Coram

Hon'ble Mr. Justice Virender Singh, Judge

Whether approved for reporting?

For the Petitioner : Petitioner in person with Mr.
Ashok Kumar Verma,
Advocate.

For the Respondents : Respondent No. 1 in person
with Mr. Sanjeev Kumar Suri,
Advocate.

Mr. H.S. Rawat, Addl. A.G.,
for respondent No. 2.

Virender Singh, Judge (oral)

Petitioner Kapur Chand Singh has filed the
present petition, against the judgment dated
31.8.2022, passed by the Court of learned Addl.
Sessions Judge, Sarkaghat, District Mandi, H.P.

(hereinafter referred to as 'the Appellate Court'), in Criminal Appeal No. 7 of 2022, titled as, 'Kapur Chand versus Kartar Singh'.

2. By way of judgment dated 31.8.2022, learned Appellate Court has dismissed the aforesaid appeal.

3. The said appeal was preferred against the judgment of conviction, dated 30.3.2022 and order of sentence, dated 19.4.2022, passed by the Court of learned Addl. Chief Judicial Magistrate, Sarkaghat, District Mandi, H.P. (hereinafter referred to as 'the trial Court'), in Crl. Case No. 28 of 2016, titled as, 'Kartar Singh versus Kapur Chand'.

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 one year and to pay a compensation of Rs. 2,50,000/- to the complainant.

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. 5207 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. 000000315126. He has deposed that he has deposited a sum of Rs. 1,75,000/- with the Registry of this Court and a sum of Rs. 75,000/- 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 stated that he has no objection, in case, the present petition is allowed. He has prayed that the amount of Rs. 1,75,000/-, deposited by the petitioner, with the Registry of this Court and a sum of Rs. 75,000/- deposited 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. 5207 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 deposited by him with the H.P. High Court Staff Welfare Association, within 8 weeks, from today.

10. The amount of Rs. 1,75,000/-deposited by the petitioner, with the Registry of this Court and a sum of Rs. 75,000/- deposited by him, 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

November 26, 2025
(Kalpana)