IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Revision No. 400 of 2026

Date of Decision: 08.07.2026

Babu Ram …….Petitioner

Versus

Central Bank of India … Respondent

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioner:	Ms. Anchal Sharma, Advocate vice Mr. Balwant Singh Thakur, Advocate.
For the Respondent:	Mr. Rajat Rana, Advocate.

Sandeep Sharma, Judge(oral):

Cr.MP(M) No.1208 of 2026

By way of instant application, prayer has been made on behalf of the applicant/petitioner for condonation of delay in filing the accompanying petition, which is barred by limitation. No reply is intended to be filed on behalf of the non-applicant/respondent.

2. Having carefully perused the averments contained in the application, which is duly supported by an affidavit, this Court is convinced and satisfied that delay in maintaining the accompanying petition is neither intentional nor deliberate, rather same has occurred on the account of the circumstances, which were completely beyond the control of the applicant/petitioner and as such, delay of one year, five months and five days in filing the petition, which in my

---

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

considered view has been sufficiently explained, is condoned. The petition be registered. The application stands disposed of

Cr. Revision No.400 of 2026

3. Instant Criminal Revision Petition filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, lays challenge to order dated 20.01.2025, passed by learned Additional Sessions Judge, Rohru, District Shimla, Himachal Pradesh, in Criminal Appeal No.73 of 2024, affirming the judgment of conviction dated 05.08.2024 and order of sentence dated 09.08.2024, passed by learned Additional Chief Judicial Magistrate, Court No.1, Rohru, District Shimla, Himachal Pradesh, in Criminal Case No.433-3 of 2019/2018, titled as **Central Bank of India vs. Babu Ram,** 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 undergo simple imprisonment for a period of six months and pay fine to the tune of Rs. 4,10,000/- to the respondent-complainant (***hereinafter, 'complainant').***

4. Precisely, the facts of the case, as emerge from the record, are that the respondent-complainant-bank instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque bearing No.0500822, dated 01.02.2018, having been issued by the accused towards discharge of his lawful

liability was 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 hereinabove.

5. 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 Additional Sessions Judge, Rohru, District Shimla, Himachal Pradesh, but same also came to be dismissed on 20.01.2025. 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.

6. 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.

7. 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 under One Time Settlement Scheme for sum of Rs.15,00,000/- and entire amount has been deposited with the respondent-bank, as is evident from the No Objection Certificate placed on record and as such, 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.

8. Mr. Rajat Rana, learned counsel representing the respondent-complainant-bank, while fairly acknowledging the factum with regard to compromise arrived interse parties, stated that entire amount as agreed under One Time Settlement Scheme has been deposited by the petitioner and as such, respondent-complainant shall have no objection in compounding the offence.

9. Having taken note of the fact that entire amount of compensation has been paid to the respondent-complainant-bank 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 Cour***t 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.

10. 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 order passed by learned Additional Sessions Judge, Rohru, District Shimla, Himachal Pradesh, 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.

11. Since complainant-bank was compelled to engage in unwarranted litigation with the accused for realization of his own amount, petitioner-accused is directed to pay sum of Rs. 5000/- as litigation expenses to the respondent-complainant and deposit Rs. 5000/- with the H.P. State Legal Service Authority as compounding fee within a period of eight weeks, failing which, he shall render himself liable for penal consequences as well as contempt of the Court.

12. List for compliance on 27.08.2026.

(Sandeep Sharma),
Judge

July 08,2026
(shankar)