



IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Cr. Revision No.627 of 2023
Date of Decision: 18.03.2025

Narayan Singh ...Petitioner

Versus

Yash Pal Respondent

Coram:

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

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

For the Respondent : Respondent in person with Mr.
Manoj Sharma, Advocate.

Virender Singh, Judge (Oral)

Petitioner-Narayan Singh has filed the present Criminal Revision Petition against the judgment dated 08.09.2023, passed by the learned Additional Sessions Judge-I, Mandi, District Mandi, H.P., Camp at Karsog, (hereinafter referred to as the 'First Appellate Court'), in Criminal Appeal No.65 of 2023, titled as 'Narayan Singh versus Yash Pal'.

2. By way of judgment dated 08.09.2023, the learned First Appellate Court has dismissed the appeal, filed by the petitioner, against the judgment of conviction dated 15.10.2022 and order of sentence dated 09.11.2022, passed by the Court

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



of learned Judicial Magistrate, First Class, Karsog, District Mandi, H.P., (hereinafter called as the 'trial Court'), in Criminal Case No.75/2015, titled as 'Yash Pal versus Narayan Singh'.

3. Vide judgment of conviction dated 15.10.2022 and order of sentence dated 09.11.2022, the learned trial Court has convicted the petitioner, for the offence, punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred to as the 'NI Act') and sentenced him to undergo simple imprisonment, for a period of three months and to pay a compensation of Rs.75,000/- to the complainant.

4. After dismissal of the appeal by the learned First Appellate Court, the present Criminal Revision Petition has been preferred.

5. Now, the petitioner has moved application, bearing Cr.MP No.854 of 2025, under Section 147 of NI Act, for compounding of offence and for placing on record the receipts qua deposit of the compensation amount.

6. Statements of both the parties have been recorded, in which, they have deposed that the dispute, with regard to four Cheques, i.e. Cheque No.452370, amounting to Rs.15,000/-, Cheque No.452371, amounting to Rs.15,000/-, Cheque No.452372 amounting to Rs.15,000/- and Cheque No.452373,



amounting to Rs.10,000/- dated 03.07.2015, have been settled between them.

7. Today i.e. 18.03.2025, complainant has stated on oath, regarding the factum, as to why, he has filed the complaint against the accused, in which, the judgment of conviction and order of sentence have been passed, which have unsuccessfully been assailed, before the learned First Appellate Court. He has also deposed that the matter has been compromised between them and has received the entire amount of compensation and now nothing is due against the petitioner.

8. According to the complainant, since, the entire amount of compensation has been paid by the petitioner, therefore, he has no objection, if the present revision petition is allowed and the judgment of conviction and order of sentence are ordered to be quashed and set aside and the petitioner is acquitted from the offence, punishable under Section 138 of NI Act.

9. Today, petitioner is also present before this Court and he has also stated in the aforesaid terms. He has also deposed that on the basis of the compromise, the present petition may be allowed by setting aside the judgment of



conviction and order of sentence, referred to above, and he may be acquitted from the offence, punishable under Section 138 of NI Act. He has also deposed that he has deposited a sum of Rs.33,500/- before the learned trial Court.

10. In addition to this, the petitioner has also put forward the indigent circumstances, by stating that some relaxation may be given in the compounding fee.

11. Apart from this, the petitioner-accused has also given an undertaking that he will deposit the compounding fee, within a period of eight weeks from today and in case, he fails to deposit the compounding fee, within the stipulated period, the revision petition, may be treated as dismissed and in that eventuality, he will surrender before the learned trial Court to undergo the substantive sentence, imposed upon him, by the learned trial Court.

12. Considering the statement of the parties, as well as, considering the fact that the matter has been settled between the accused (petitioner) and the complainant, application, bearing CrMP No.854 of 2025, is allowed and the petitioner is permitted to compound the offence.

13. Consequently, the present petition is allowed and the judgment of conviction dated 15.10.2022 and order of



sentence dated 09.11.2022, passed by the learned trial Court in Criminal Case No.75/2015, which has been affirmed by learned First Appellate Court, in Criminal Appeal No.65 of 2023, vide judgment dated 08.09.2023, are set aside and the petitioner is acquitted from the offence, punishable under Section 138 of the NI Act. His personal and surety bonds are discharged.

14. However, this order shall be, subject to the deposit of 10% of the cheque amount, as compounding fee, with the Member Secretary, H.P. State Legal Services Authority, Shimla, within a period of eight weeks, from today.

15. It is further clarified that if the petitioner fails to deposit the compounding fee, as ordered by this Court, within a period of eight weeks, then, the present petition shall be deemed to have been dismissed, by reviving the judgment of conviction dated 15.10.2022 and order of sentence dated 09.11.2022, passed by learned trial Court and in that eventuality, he shall surrender before the learned trial Court to undergo the substantive sentence, imposed upon him, by the learned trial Court.

16. The amount deposited by the accused before the learned trial Court is ordered to be released in favour of the complainant.



(2025:HHC:6726)

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17. Pending miscellaneous applications, if any, shall
also stand disposed of.

(Virender Singh)
Judge

March, 18, 2025
(subhash)