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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No. 694 of 2024

Decided on : 28th July, 2025

Mahantu Ram

...Petitioner

Versus

Jogindra Central Cooperative Bank Ltd.

...Respondent

Coram

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

Whether approved for reporting?¹

For the petitioner : Petitioner in person with Mr.
Rajinder Thakur, Advocate.

For the respondent: Mr. Arvind Sharma, Advocate.

Virender Singh, Judge (oral)

Petitioner – Mahantu Ram has filed the present revision petition against the judgment dated 16.07.2024, passed by the learned Additional Sessions Judge-I, Solan, District Solan, H.P. (hereinafter referred to as the 'Appellate Court'), in Criminal Appeal No.22AK/10 of 2022, titled as Mahantu Ram versus Jogindra Central Cooperative Bank Ltd.

2. By way of judgment dated 16.07.2024, the learned Appellate Court has dismissed the appeal filed by the petitioner against the judgment of conviction, dated

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*



08.09.2022 and order of sentence dated 13.09.2022, passed by the Court of learned Judicial Magistrate First Class, Arki, District Solan, H.P., (hereinafter referred to as the 'trial Court'), in Criminal Complaint No.294/3 of 2016, titled as J.C.C. Bank Arki versus Mahantu Ram.

3. Vide judgment of conviction, dated 08.09.2022 and order of sentence dated 13.09.2022, 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 two months and to pay a fine/compensation of Rs.2,25,000/- to the complainant.

4. After dismissal of the appeal by the learned Appellate Court, the present revision petition has been preferred.

5. During the pendency of the present petition, the parties have settled the matter. Thereafter, the petitioner has filed application bearing Cr.MP No.3211 of 2025, for permitting the parties to compound the offence, on the ground that the matter has been settled between them.



6. Statements of the petitioner and learned counsel for the respondent, have been recorded, in which, they both have deposed that the dispute with regard to Cheque No.932372, dated 19.10.2016, has been settled between the parties.

7. Today, the accused (petitioner) is present before this Court. He has deposed that he has been convicted and sentenced by the learned trial Court vide judgment of conviction, dated 08.09.2022 and order of sentence dated 13.09.2022.

8. Against the said judgment of conviction and order of sentence, the petitioner had filed the appeal before the learned Appellate Court and the learned Appellate Court has also dismissed his appeal. Now, he is before this Court, in the present revision petition.

9. In addition to this, the accused (petitioner) has also submitted that during the pendency of the revision petition, the matter has been compromised between him and the complainant-Bank. He has also deposed that he has deposited a sum of Rs.1,00,000/-, before the learned



trial Court and the same may be ordered to be released in his favour.

10. The petitioner-accused has also deposed that on the basis of the said compromise, the present petition may kindly be allowed by setting aside the judgment of conviction and order of sentence, referred to above, and he may kindly be acquitted of the charge. According to him, respondent has no objection, if the amount of Rs.1,00,000/- is released in favour of the petitioner.

11. Learned counsel for the respondent, has also made the similar statement and has deposed that respondent, has no objection, in case, the present petition is allowed and the petitioner-accused is acquitted by setting aside the judgment of conviction, dated 08.09.2022 and order of sentence dated 13.09.2022.

12. On the basis of the above statements, one thing is clear that the matter has been settled between the parties and in pursuance of the said settlement, complainant has received the remaining amount of compensation from the petitioner.



13. According to the learned counsel for the respondent-complainant, the dispute with regard to Cheque No.932372 dated 19.10.2016, has been settled between the parties.

14. Since, the matter, with regard to cheque, in question, has been settled between the parties, as such, the application, bearing Cr.MP No.3211 of 2025, is allowed and the parties are permitted to compound the offence.

15. Considering the fact that the application for compounding of the offence has been allowed, the present petition is allowed and the judgment of conviction, dated 08.09.2022 and order of sentence dated 13.09.2022, passed by learned trial Court in Case No.294/3 of 2016, which has been affirmed by learned Appellate Court, in Criminal Appeal No.22AK/10 of 2022, vide judgment dated 16.07.2024, are set aside and the petitioner is acquitted from the offence, punishable under Section 138 NI Act. His personal and surety bonds are discharged.

16. The petitioner has stated that he is a poor person and is suffering from various age related ailments,



as such, lenient view may kindly be taken while assessing the compounding fee.

17. Considering the said fact, this Court is of the view that the ends of justice would meet, if the petitioner is directed to deposit 8% of the cheque amount, as compounding fee, within ten weeks from today. Ordered accordingly. 50% of the compounding fee be deposited with the Member Secretary, H.P. State Legal Services Authority, Shimla, and remaining 50% with the H.P. High Court Staff Welfare Organization, Shimla.

18. It is further clarified that if the petitioner fails to deposit the compounding fee, as ordered by this Court, within ten weeks, then, the present petition shall be deemed to have been dismissed, by reviving the judgment of conviction, dated 08.09.2022 and order of sentence dated 13.09.2022, passed by learned trial Court and in that eventuality, she shall surrender before the learned trial Court to undergo the substantive sentence, imposed upon him, by the learned trial Court.



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19. The amount deposited by the petitioner-accused before the learned trial Court, is ordered to be released in favour of petitioner.

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

July 28, 2025 *(ps)*

(Virender Singh)
Judge