



**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

**Cr. Revision No.748 of 2024
Date of Decision: 11.07.2025**

Mahantu Ram

...Petitioner

Versus

Jogindra Central Cooperative Bank Limited

.....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 & Ms.
Kiran Verma, Advocate.

For the Respondent : Mr. Arvind Sharma, Advocate.

Virender Singh, Judge (Oral)

Petitioner-Mahantu Ram has filed the present Criminal 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.23AK/10 of 2022, titled as 'Mahantu Ram versus Jogindra Central Cooperative Bank Limited'.

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

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



petitioner, against the judgment of conviction dated 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 called as the 'trial Court'), in Criminal Complaint No.287/3 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, 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 two months to pay a compensation of Rs.5,00,000/- to the complainant.

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

5. Now, the petitioner has moved application, bearing Cr.MP No.2920 of 2025, under Section 528 of BNSS, for compounding of offence.

6. Statements of the petitioner, as well as, of the Advocate, appearing for respondent-Bank, have been recorded, in which, they have agreed that the dispute, with



regard to Cheque No.932371, dated 24.10.2016 has been settled between the parties.

7. Today i.e. 11.07.2025, Mr. Arvind Sharma, Advocate, appearing for respondent-Bank, under instructions, has stated, regarding the factum, as to why, respondent-Bank had filed the complaint, against the accused (petitioner), in which, the judgment of conviction and order of sentence have been passed, which have unsuccessfully been assailed, before the learned Appellate Court. He has also deposed that the matter has been settled with the petitioner. In this regard, the respondent-Bank has issued No Objection Certificate, which has been annexed with the petition as Ext. PA.

8. Learned counsel, appearing for the respondent-Bank has further deposed that the respondent-Bank has no objection, if the present revision petition is allowed and the judgment of conviction and order of sentence passed by the learned trial Court are ordered to be quashed and set-aside and the petitioner is acquitted from the offence, punishable under Section 138 of NI Act. He has also deposed that respondent-Bank has no objection, in case, the compensation amount, so deposited by the petitioner-accused before the learned trial Court is released in his favour.



9. Today, petitioner is also present before this Court and has also stated in the aforesaid terms. He has 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 further deposed that he has deposited the entire amount of compensation before the learned trial Court and the said amount may be ordered to be released in his favour.

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 ten 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 statements of the parties, as well as, considering the fact that the matter has been settled



between the accused (petitioner) and the complainant-respondent, application, bearing Cr.MP No.2920 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 08.09.2022 and order of sentence dated 13.09.2022, passed by the learned trial Court, in Criminal Complaint No.287/3 of 2016, which has been affirmed by learned Appellate Court, in Criminal Appeal No.23AK/10 of 2022, vide judgment dated 16.07.2024, 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. The petitioner is a poor person and also suffering from various old aged ailments. He has no source of income and similar revision is pending in this Court, as such, lenient view may kindly be taken, while assessing the compounding fee.

15. However, this order shall be, subject to the deposit of 5% of the cheque amount, as compounding fee. 50% of the amount of compounding fee shall be deposited by the accused with the Member Secretary, H.P. State Legal Services



Authority, Shimla, and remaining 50% of the aforesaid amount shall be deposited with the H.P. High Court, Staff Welfare Organization, Shimla, within a period of ten weeks from today.

16. It is further clarified that if the petitioner fails to deposit the compounding fee, as ordered by this Court, within a period of 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, he shall surrender before the learned trial Court to undergo the substantive sentence, imposed upon him, by the learned trial Court.

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

(Virender Singh)
Judge

July 11, 2025
(subhash)