



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

**Cr. Revision No.823 of 2024
Date of Decision: 09.07.2025**

Ramesh Chand

...Petitioner

Versus

The C.D. Co-operative Credit Society Ltd. Respondent

Coram:

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

Whether approved for reporting?¹

For the Petitioner : Petitioner in person with
Mr. Devender K. Sharma,
Advocate.

For the Respondent : Mr. Munish Dhatwalia,
Advocate.

Virender Singh, Judge (Oral)

Petitioner-Ramesh Chand has filed the present Criminal Revision Petition against the judgment dated 02.05.2024, passed by the learned Sessions Judge, Mandi, District Mandi, H.P., (hereinafter referred to as the 'Appellate Court'), in Criminal Appeal No.107 of 2023, titled as 'Ramesh Chand versus The C.D. Co-operative Credit Society Ltd.'.

2. By way of judgment dated 02.05.2024, the learned Appellate Court has dismissed the appeal, filed by the petitioner, against the judgment of conviction dated 31.08.2023

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



and order of sentence dated 24.11.2023, passed by the Court of learned Chief Judicial Magistrate, Mandi, District Mandi, H.P., (hereinafter called as the 'trial Court'), in Criminal Complaint No.565 of 2016, titled as The C.D. Co-operative Credit Society Ltd.'.

3. Vide judgment of conviction dated 31.08.2023 and order of sentence dated 24.11.2023, 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 one month and to pay a compensation of Rs.,40,000/- 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.MPST No.2851 of 2025, under Section 147 of NI Act, for compounding of offence.

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



regard to Cheque No.1017336, dated 12.05.2016 has been settled, between the parties.

7. Today i.e. 09.07.2025, authorized representative, appearing for respondent, under instructions, has stated, regarding the factum, as to why, respondent 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.

8. The authorized representative, appearing for the respondent, has further deposed that the respondent 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.

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 a sum of Rs.20,000/- before this Registry, and he has no objection, in case a sum of Rs.20,000/- is released in favour of the respondent.

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 statements of the parties, as well as, considering the fact that the matter has been settled between the accused (petitioner) and the complainant-Company application, bearing Cr.MP No.2851 of 2025, is allowed and the parties to the lis are permitted to compound the offence.



13. Consequently, the present petition is allowed and the judgment of conviction dated 31.08.2023 and order of sentence dated 24.11.2023, passed by the learned trial Court, in Criminal Complaint No.565 of 2016, which has been affirmed by learned Appellate Court, in Criminal Appeal No.107 of 2023, vide judgment dated 02.05.2024, 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. 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 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 31.08.2023 and order of sentence dated



24.11.2023, 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. Pending miscellaneous applications, if any, shall
also stand disposed of.

(Virender Singh)
Judge

July 09, 2025
(subhash)