

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision (Filing) No. 1541 of 2025

Rajesh Kumar Thakur, aged about 39 years, son of Bishwanath Hazm,
resident of 287, Rajendra Colony, Dhori Khas, P.O. Phusro, P.S. Bermo,
District-Bokaro, Jharkhand 829144.

..... ... Petitioner

Versus

1.The State of Jharkhand
2.Ravindra Kumar Mishra, son of late Hira Lal Mishra, resident of Jainamore
Site, P.O. Jainamore, P.S. Jaridih, District-Bokaro, Jharkhand, 829301

..... ... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:Mr. Baibhaw Gahlatu, Advocate
For the State	: Mr. Satish Prasad, Advocate
For the O.P. No.2	: Mr. Subhmeet Jha, Advocate

06/ 27.01.2026: Heard learned counsel for the petitioners, learned counsel
for the State and learned counsel for the O.P. No.2.

2. This revision petition has been preferred for setting aside judgment dated 09.12.2024 passed by the learned Additional Sessions Judge-IV, Bokaro in Criminal Appeal No. 57 of 2023, whereby the Additional Sessions Judge-IV has dismissed the criminal appeal and confirmed the judgment of conviction and order of sentence dated 31.03.2023 passed by learned Judicial Magistrate, Ist Class, Bokaro in C.P. Case No. 487 of 2019 whereby the petitioner has been found guilty under section 138 of N.I. Act and further he was sentenced to undergo S.I for two years and to pay a fine of Rs. 7,00,000/- along with Rs, 3,00,000/- as compensation (total amount of Rs. 10,00,000/-) to the complainant and in default of payment of compensation the petitioner was further sentenced to undergo SI for six months.

3. Learned counsel for the petitioner submits the matter is arising out of section 138 of Negotiable Instrument Act which is compoundable under section 147 of N.I. Act and both the parties have come to the conclusion for payment of total consideration amount of Rs. 5,50,000/- by the petitioner to the O.P. No.2. He further submits that now good sense has prevailed between

the parties and the matter has been joint compromised and the compromise has been brought on record in the form of I.A. No. 492 of 2026 and pursuant to that petitioner has paid Rs. 5,50,000/- to the O.P. No.2/complainant and in view of that compromise petition may kindly be allowed.

4. Learned counsel for the State submits that it appears that the compromise petition is there and the matter is arising out of section 138 of Negotiable Instrument Act.

5. Learned counsel for the O.P. No.2 accepts the said submissions of the learned counsel for the petitioner. He submits that aforesaid I.A has been filed for compromise which has been affidavited separately by both sides. He further submits that total consideration amount of Rs. 5,50,000/- has been received by the complainant and now the complainant does not want to proceed further with the case.

6. In view of above and considering that matter is arising out of section 138 of Negotiable Instrument Act which is compoundable under section 147 of N.I. Act and now good sense has prevailed between the parties, the compromise is hereby accepted.

7. I.A. No.492 of 2026 stands allowed and disposed of and the case is hereby permitted to be compounded which is compoundable under section 147 of N.I. Act.

8. In the case of **"New Win Export and Another Vs. A. Subramaniam"** reported in **2024 SCC Online SC 1741** the Hon'ble Supreme Court in para 6 and 7 has held as under:-

"6. At this juncture, we would also like to reiterate a few words regarding the principles of compounding of offences in the context of NI Act. It is to be remembered that dishonour of cheques is a regulatory offence which was made an offence only in view of public interest so that the reliability of these instruments can be ensured. A large number of cases involving dishonour of cheques are pending before courts which is a serious concern for our judicial system. Keeping in mind that the 'compensatory aspect' of remedy shall have priority over the 'punitive aspect', courts should encourage compounding of offences under the NI Act if parties are willing to do so. (See : Damodar S. Prabhu v. Sayed

Babalal H. (2010) 5 SCC 6631 , Gimpex Private Limited v. Manoj Goel (2022) 11 SCC 7052 , Meters And Instruments Private Limited v. Kanchan Mehta (2018) 1 SCC 5603)

7. In Raj Reddy Kallem v. The State of Haryana [2024] 5 SCR 203, this Court followed the same principles and quashed a conviction under the NI Act, by invoking its powers under Article 142, even though the complainant therein declined to give consent for compounding, observing that the accused has sufficiently compensated the complainant."

9. In view of above and considering that the matter is arising out of Negotiable Instrument Act and now compromise has reached between the parties which is compoundable under section 147 of Negotiable Instrument Act, 1881 and in view of judgment of the Hon'ble Supreme Court in the case of "***New Win Export and Another Vs. A. Subramaniam (surpa)***", the petitioner is acquitted by setting aside judgment dated 09.12.2024 passed by the learned Additional Sessions Judge-IV, Bokaro in Criminal Appeal No. 57/2023 and judgment of conviction and order of sentence dated 31.03.2023 passed by the learned Judicial Magistrate, Ist Class, Bokaro in C.P. Case No. 487 of 2019.

10. The petitioner is exempted from surrender. I.A. No. 491 of 2025 filed for exemption for surrender is allowed and disposed of.

11. This criminal revision is allowed and disposed of. Pending I.A. if any, stands disposed of.

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(Sanjay Kumar Dwivedi, J.)

Dated. 27.01.2026
Satyarthi-