

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 553 of 2025

....

Suresh Singh, aged about 58 years, son of Sri Sudarshan Singh,
resident of Village-Raja Bangla, Lohardaga, PO & PS- Lohardaga,
District-Lohardaga (Jharkhand) **Petitioner**

Versus

1. The State of Jharkhand
2. Awadh Kishor Sahu, son of Shivjhari Sah, resident of Village-
Senha, PO & PS- Senha, District- Lohardaga **Opp. Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Krishna Shankar, Advocate
For the State : Mrs. Shweta Singh, A. P. P.
For the O. P. No. 2 : Mr. Lal Vikram Nath Shahdeo, Advocate

.....

I. A. No. 6844 of 2025

03/08.07.2025 Heard learned counsel for the petitioner and learned
counsel for the State and learned counsel for the opposite party
no. 2.

2. The instant I.A. No. 6844 of 2025 has been filed on
behalf of the petitioner under Section 5 of the Limitation Act for
condoning the delay of 2434 days in filing the instant Cr.
Revision No. 553 of 2025.

3. It has been submitted by the learned counsel for the
petitioner that there is delay of 2434 days in filing the
Cr. Revision No. 553 of 2025. It is submitted that the petitioner
has already been granted bail by the Co-ordinate Bench (Hon'ble
Mr. Justice Deepak Roshan) of this Court vide order dated
05.06.2025 in I. A. No. 6841 of 2025. It is submitted that due to
financial crunch, the petitioner could not file this Criminal

Revision Application within time. It is submitted that the petitioner was no knowledge that he has remedy against the order passed in Criminal Appeal No. 89 of 2015 by the learned Appellate Court below before this Court and when he was taken into custody 16.05.2025 and thus, he has filed this instant Criminal Revision Application on 31.05.2025 and as such, delay of 2434 days in preferring the instant Criminal Revision Application may be condoned.

4. Learned counsel for the State and learned counsel for the opposite party no. 2 raised no objection.

5. Although the delay has not been satisfactorily explained in I.A. No. 6844 of 2025, but considering the fact that the petitioner was taken into custody on 16.05.2025 and the petitioner has already been granted bail by the Co-ordinate Bench (Hon'ble Mr. Justice Deepak Roshan) of this Court vide order dated 05.06.2025 in I. A. No. 6841 of 2025, the delay of 2434 days in preferring the instant Cr. Revision No. 553 of 2025 is, hereby, condoned.

6. Thus, I.A. No. 6844 of 2025 is allowed and stands disposed of.

I. A. No. 6862 of 2025

7. The present Criminal Revision No. 553 of 2025 has been filed on behalf of the petitioner challenging the judgment dated 11.07.2016 passed in Criminal Appeal No. 89 of 2015 by the Sri Pravas Kumar Singh, learned Sessions Judge, Lohardaga whereby learned Sessions Judge, Lohardaga has dismissed the Appeal with modification in the order of sentence dated

30.07.2015 passed by Sri Soumendra Nath Sikdar, learned Sub-Divisional Judicial Magistrate, Lohardaga by upholding the conviction of the petitioner for the offence under Section 138 of the N. I. Act and however, he has modified the sentence by directing the petitioner to pay the compensation amount within 30 days of this order otherwise he will be required to pay an interest @ 10% from the date of judgment till realization of the compensation and in default apart from realization of the amount from him, he is sentenced to undergo S.I. for six months and has further directed that the compensation amount is to be realized from the movable/immovable properties of the appellant, Although vide judgment of conviction and order of sentence dated 30.07.2015 passed by Sri Soumendra Nath Sikdar, learned Sub-Divisional Judicial Magistrate, Lohardaga in connection with Complaint Case No. 123 of 2015 [T.R. No. 435 of 2015] whereby the petitioner has been convicted for the offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo S.I. for a period of two (2) years and to pay Rs. 10,00,000/- (Rupees Ten Lakh) as compensation to the complainant –the opposite party no. 2.

8. I. A. No. 6862 of 2025 has been filed on behalf of both the sides under Section 359 of the BNSS, 2023 and read with under Section 147 of the N. I. Act, 1881 by way of a joint compromise application.

9. Heard learned counsel for the petitioner and learned counsel for the State and learned counsel for the opposite party no. 2.

10. It is submitted by the learned counsel for the petitioner

that the impugned judgments and order of sentence passed by the learned Courts below are illegal, arbitrary and not sustainable in law. It is further submitted that the instant case has been compromised between the petitioner and the opposite party no. 2 and now opposite party no. 2 does not want to proceed further in this case. It is submitted that the matter has been settled between the petitioner and opposite party no. 2 and the petitioner has paid Rs. 6,60,000/- to the opposite party no. 2 as per the Settlement Letter dated 18.04.2025 and hence, the impugned judgments and order may be set aside and the petitioner may be acquitted.

11. On the other hand, no objection has been raised by the learned counsel for the State.

12. Mr. Vikram Nath Shahdeo, learned counsel for the O. P. No. 2 has submitted that the case has been compromised between the parties and also admitted the factum of compromise between the petitioner and the O. P. No. 2. It is further submitted that opposite party no. 2 has no grievance against the petitioner and opposite party no. 2 has received Rs. 6,60,000/- from the petitioner and hence, the opposite party no. 2 does not want to proceed further in this case and hence, necessary order may be passed.

13. It appears that the petitioner was taken into custody on 16.05.2025, however in light of the Settlement Letter dated 18.04.2025 filed by both the sides, the petitioner has already been granted bail by the Co-ordinate Bench (Hon'ble Mr. Justice Deepak Roshan) of this Court vide order dated 05.06.2025 in I. A. No. 6841 of 2025.

14. Para- 1 to 6 of the I. A. No. 6862 of 2025, filed on behalf of the petitioner and the opposite party no. 2, read as follows:-

“Para-1:- That this interlocutory application is being filed by complainant/Opposite Party No.-2 in the light of compromise letter dated 18/04/2025, both parties have entered into the compromise on 18/04/2025 as well as the amount of Rs 6,60,000/- (Six Lakh Sixty Thousand only) has been fixed as Full and Final Settlement Amount in which the amount of Rs. 3,30,000/- (Three Lakhs Thirty Thousand Only) has already made payment to the Complainant on 18/04/2025 and the balance amount of Rs. 3,30,000/- (Three Lakhs Thirty Thousand Only) has been given to the Complainant/Opposite Party No.-2 on 04/06/2025. Your Lordships may pass any necessary order/orders in view of the compromise.

Para-2:- That complainant/ Opposite Party No.-2 humbly states and submits that earlier no compromise Petition has been filed before this Hon'ble Court in this Case for setting aside the Judgement and Order of conviction and sentence passed against the Petitioner in this Case,

Para-3:- That both the parties have settled their dispute outside the court at the common intervention of their well-wishers and friends and at present no dispute of any kind whatsoever exists between both the parties.

Para-4:- That complainant/ Opposite Party No.-2 humbly states and submits that at present they have already compromised their dispute jointly and they have forgotten their past dispute and differences as the Opposite Party No. 2 has already received the amount claimed by him from the Petitioner.

Para-5:- That complainant/ Opposite Party No.-2 humbly states and submits that he is present for swearing his Affidavits before the Oath commissioner, Hon'ble High Court possessing his ID Proof.

Para-6:- That complainant/ Opposite Party No.-2 humbly states and submits that after Compromise between both of them peace and harmony have already been restored between both the parties and as such for the ends of Justice it is desirable that Judgement and Order of conviction and sentence passed by both the Learned Courts below be set aside.”

15. It appears that the case has been compromised between the petitioner and the opposite party no. 2 and the opposite party no. 2 has received Rs. 6,60,000/- from the petitioner towards full and final settlement.

16. Having heard learned counsel for the both the sides and in view of the averments made in para- 1 to 6 of I. A. No. I. A. No. 6862 of 2025, the prayer for compounding the offence is allowed and parties are permitted to get compromise the case.

17. Under the circumstances, the judgment dated 11.07.2016 passed in Criminal Appeal No. 89 of 2015 by Sri Pravas Kumar Singh, learned Sessions Judge, Lohardaga and the judgment of conviction and order of sentence dated 30.07.2015 passed by Sri Soumendra Nath Sikdar, learned Sub-Divisional Judicial Magistrate, Lohardaga in connection with Complaint Case No. 123 of 2015 [T.R. No. 435 of 2015], are set aside in the interest of justice and in light of the joint compromise petition vide I. A. No. 6862 of 2025 and the petitioner- Suresh Singh is acquitted for the offence under Section 138 of the N. I.

Act and the petitioner- Suresh Singh is discharged from the liability of his bail bonds.

18. Accordingly, this Criminal Revision No. 553 of 2025 is allowed in terms of compromise between the petitioner and the opposite party no. 2.

19. Thus, I. A. No. 6862 of 2025 is also allowed and stands disposed of.

(Sanjay Prasad, J.)

Kamlesh/N.A.F.R.