

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 136 of 2025

Prakash Kumar Singh, aged about 45 years, son of Sadanand Singh, resident of Khasuwa Toli, Torpa, P.O. Torpa, P.S. Torpa, District- Khunti, Jharkhand
.....Petitioner

Versus

1. The State of Jharkhand
2. Vivan Industries Private Limited through Director Vivek Kumar, son of Anand Kishore Gupta, resident of Second Street, Church Road, P.O. G.P.O. Ranchi, P.S-Lower Bazar, District-Ranchi, Jharkhand
.....Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Akhouri Awinash Kumar, Advocate
: Mr. Arpan Mishra, Advocate
: Ms. Ashwini Priya, Advocate
For the State : Mr. Santosh Kr. Shukla, A.P.P
For the O.P No.2 : Mr. Mukesh Kumar Banka, Advocate
: Mr. Girish Mohan Singh, Advocate

Order No. 11/ Dated: 07.07.2025

This Criminal Revision Application has been filed on behalf of the petitioner by challenging the judgment dated 06.08.2024 passed in Criminal Appeal No. 189 of 2024 by Sri Diwakar Pandey, learned Judicial Commissioner, Ranchi by which the appeal filed on behalf of the petitioner has been dismissed thereby, affirming the judgment of conviction and order of sentence dated 21.05.2024 passed by Sri D.N. Shukla, learned

Judicial Magistrate 1st Class, Ranchi in connection with Complaint Case No. 12248 of 2021 by which the petitioner has been convicted for the offence under Section 138 of the N.I Act and sentenced to undergo S.I for a period of one (01) year and to pay the fine of Rs. 10,50,000/- to the complainant by way of compensation.

I.A No. 6519 of 2025

2. I.A No. 6519 of 2025 has been filed on behalf of both the sides by way of Joint Compromise Petition on 12.05.2025.

3. Learned counsel for the petitioner has submitted that the case has been compromised between the petitioner and O.P No. 2 and the petitioner is ready to pay Rs. 8,40,000/- to the O.P No.2 and has already deposited Rs. 8,40,000/- by way of demand draft in the name of O.P No. 2 before the office of the learned Registrar General and which can be handed over to the O.P No. 2. It is further submitted that the petitioner had already deposited Rs. 2,10,000/- at the time of filing Criminal Appeal No. 189 of 2024 before the learned Court below and the same has already been handed over to the O.P No. 2 and hence, the impugned judgments and order of sentence passed by the learned Courts below may be aside and this Criminal Revision as well as I.A No. 6519 of 2025 may be allowed.

4. Learned counsel for the State raised no objection.
5. Learned counsel for the O.P No. 2 has admitted the factum of compromise between the parties and has further submitted that the O.P No. 2 is also willing to accept a demand draft of Rs. 8,40,000/- from the office of the learned Registrar General and he has no grievance against the petitioner. It is further submitted that the O.P No.2 has no objection if the final order is being passed in favour of the petitioner in this Criminal Revision Application.
6. Perused the I.A No. 6519 of 2025 and L.C.R of this case and considered the submission of both the sides.
7. Paragraph Nos. 6 to 15 of I.A No. 6519 of 2025 read as follows:-

“Para:-6:- That instant Criminal Revision was listed before this Hon’ble Court on 28.11.2024 and the learned counsel for the petitioner had submitted before this Hon’ble Court that he is ready to deposit the entire awarded amount before the Registrar General, the Hon’ble High Court of Jharkhand and for that purpose two week time has been sought by the petitioner.

Para:-7:- That pursuant to the order dated 28.11.2024, the petitioner has deposited a Demand Draft bearing NO.318261 dated 12.12.2024 for Rs.8,40,000/- (Rupees Eight Lakhs Forty Thousand) only, in favour of Vivan

Industries Private Limited (Opposite Party No.2). The letter dated 13.12.2024 has been received by the Office of the Registrar General, Jharkhand High Court. The Demand Draft bearing No.318261 dated 12.12.2024 has been deposited in the Office of the Registrar General, Jharkhand High Court at Ranchi.

Para:-8:- That the balance amount of 20% has already been deposited before the Appellate Court. The total compensation amount of Rs.10,50,000/- has already been deposited.

Para-9:- That a Supplementary Affidavit to that effect has been filed by the petitioner and the same has been recorded in the order dated 29.01.2025 passed by this Hon'ble Court.

Para-10:- That by an order dated 17.04.2025 this Hon'ble Court had directed the counsel for the Opposite Party No.2 to obtain instruction on the point of compromise. On 28.04.2025 that counsel for the Opposite Party No.2 had submitted that he is ready to settle the dispute and ready for compromise and he is also willing to accept the remaining amount of Rs.8,40,000/- and in the meantime the petitioner was directed to get the Demand Draft revalidated and file the Joint Compromise Petition.

Para-11:- That the parties have amicably settled the

dispute and the petitioner has deposited the revalidated Demand Draft bearing Demand Draft No.300413 dated 07.05.2025 before the Learned Registrar General.

Para-12:- That the Opposite Party No.2 is ready to accept and draw the Demand Draft bearing No.300413 dated 07.05.2025 from the Office of the Registrar General. The Opposite Party No.2 has no grievance against the petitioner and has settled the dispute on their own free will and consent without any compulsion or pressure from any corner.

Para-13:- That the Opposite Party No.2 has got no objection in view of the settlement arrived between the parties and if the petitioner is acquitted of the charges in connection with Complaint Case No.12248 of 2021, the Opposite Party No.2 shall have no grievance.

Para-14:- That by putting signature on joint compromise, the parties hereby declare that the parties have no dispute or claim towards each other.

Para-15:- That the parties entered into the present compromise out of their own free will and consent without any fear, coercion or undue influence from any corner whatsoever”.

8. The above I.A No. 6519 of 2025 has been filed by the petitioner and O.P No. 2 and they have put their respective

signatures on the Joint Compromise Petition and even Mr. Arpan Mishra, learned counsel for the petitioner and Mr. Mukesh Kumar Banka, learned counsel for the O.P No. 2 have also put their respective signatures in the above Joint Compromise Petition filed vide I.A No. 6519 of 2025 and the petitioner and O.P No. 2 have also sworn their respective affidavits dated 08.05.2025 which have kept at Page 11 and 14 respectively to this I.A No. 6519 of 2025 along with their respective Aadhar Cards.

9. It appears that vide order dated 29.01.2025, the petitioner has already exempted from surrendering before the learned Court below.

10. It also appears that the petitioner has already deposited a demand draft of Rs. 8,40,000/- in the name of O.P No. 2 before the office of the learned Registrar General in the light of order dated 17.04.2025 passed by this Court.

11. It appears that the case has been compromised between the petitioner and O.P No. 2.

12. Under the circumstances, the judgment dated 06.08.2024 passed in Criminal Appeal No. 189 of 2024 by Sri Diwakar Pandey, learned Judicial Commissioner, Ranchi and the judgment of conviction and order of sentence dated 21.05.2024 passed by Sri D.N. Shukla, learned Judicial Magistrate 1st Class, Ranchi in

connection with Complaint Case No. 12248 of 2021 are set aside in the interest of justice and in terms of joint compromise and the petitioner namely Prakash Kumar Singh is acquitted for the offence under Section 138 of the N.I Act and set at free.

13. Thus, Criminal Revision No. 136 of 2025 and I.A No. 6519 of 2025 are allowed in terms of compromise and stand disposed of.

14. The O.P No. 2 is directed to obtain the demand draft of Rs. 8,40,000/- from the office of the learned Registrar General by filing the proper application and the said demand draft of Rs. 8,40,000/- may be handed over to the O.P No. 2 by the office of the learned Registrar General on filing proper application through his learned counsel.

15. Let a copy of this order be sent to the office of the learned Registrar General and be also sent to learned Court below for the needful.

(Sanjay Prasad, J.)

Avinash/