



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.339 of 2024

Pramod Kumar Behera

....

Petitioner

Mr. A. Das, Advocate

-Versus-

Prafulla Kumar Panigrahi

....

Opposite party

Mr. H.K. Dash, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

13.08.2025

I.A. No.533 of 2024

Order No.

03.

1. Heard Mr. Das, learned counsel for the petitioner and Mr. Dash, learned counsel for opposite party.
2. Instant petition is filed seeking condonation of delay since the revision is filed beyond the stipulated period.
3. A delay of 758 days is reported as per the SR.
4. Recording the submission of Mr. Das, learned counsel for the petitioner regarding a compromise reached at between the parties in the meantime and ready to settle the matter, the Court accepting the explanation offered towards the delay is inclined to condone the same in the interest of justice.
5. Hence, it is ordered.
6. I.A is allowed with the delay being condoned.

(R.K. Pattanaik)
Judge



04.

CRLREV No.339 of 2024

1. Heard learned counsel for the respective parties.
2. Instant revision is filed by the petitioner assailing the impugned judgment in Criminal Appeal No.04 of 2017 by learned 3rd Additional Sessions Judge, Ganjam at Berhampur confirming the decision of the learned Special Judicial Magistrate, Ganjam at Berhampur in ICC Case No.280 of 2014 on the grounds stated.
3. In course of hearing, it is submitted that the matter has been settled between the parties and in the meantime, the petitioner has prepared the demand draft of Rs.5 lac payable to the opposite party. The original demand draft is produced in the Court for perusal. Mr. Dash, learned counsel for the opposite party acknowledges the compromise having arrived at and is willing to accept the demand draft towards the final settlement. A copy of the demand draft be kept in record with a request to Mr. Das, learned counsel for the petitioner to file the same along with a memo in course of the day. Mr. Das, learned counsel for the opposite party is also requested to submit a memo showing the receipt of the demand draft.
4. The offence under Section 138 of the NI Act is compoundable in nature in view of Section 148 thereof. Since, the parties have settled the dispute and the petitioner is ready with the demand draft for an amount of Rs.5 lac, the Court, considering the same, is of the view that the order of conviction and sentence awarded and confirmed in Criminal Appeal No.04 of 2017 should be set aside in the interest of the justice. Such is



the conclusion of the Court, in view of the decision of Apex Court in **B.V. Sessaiah Vrs. State of Telengana and another (2023) 2 S.C.R 293**. In other words, it is fit case, where the Court should allow the parties to settle the dispute as the offence under Section 138 of the NI Act is compoundable but on the terms agreed upon with the payment of Rs.5 lac in the shape of the demand draft to be received by the opposite party.

5. Accordingly, it is ordered.

6. In the result, the revision petition stands allowed. As a necessary corollary, the impugned judgment in Criminal Appeal No.04 of 2017 of the learned 3rd Additional Sessions Judge, Ganjam at Berhampur is hereby set aside. It is further directed that Mr. Dash, learned counsel for the opposite party shall receive the demand draft immediately towards the final settlement between the parties. Since, in the meantime, the NBWA pending execution against the petitioner, recording such submission of Mr. Das, learned counsel appearing for him and in view of the above order, the learned court below is directed to forthwith recall the same issued in connection with 1CC Case No.280 of 2014. Consequent upon the disposal of the revision, the learned 3rd Additional Sessions Judge, Ganjam at Berhampur is further directed to release the statutory deposit of Rs.1 lac in favour of the petitioner with necessary direction in that regard.

7. Urgent copy of this order be issued as per rules.

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 14-Aug-2025 19:07:42



(R.K. Pattanaik)
Judge