

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 716/2026

Devilal Patel S/o Nathulal Ji Patel, Aged About 33 Years, R/o Village Awara, Post Bambora, Tehsil Kurabad, Police Station Kurabad, District Udaipur Raj.

-----Petitioner

Versus

1. Amber Vision Zinc Smelter Circle Debari, Through Its Proprietor, Ambalal Sharma S/o Mohanlal, R/o Maalki Toos, Gupadi, Tehsil Vallabhnagar, District Udaipur Raj.
2. The State Of Rajasthan, Through The Public Prosecutor

-----Respondents

For Petitioner(s)	:	Mr. Hardik Vyas
For Respondent(s)	:	Mr. N.S. Chandawat, Public Prosecutor Mr. Gaurav Nagda for R.1.

HON'BLE MS. JUSTICE REKHA BORANA

Order

07/05/2026

1. The present Criminal Revision Petition is reported to be time barred by 580 days.
2. For the reasons stated in the application under Section 5 of the Limitation Act, the same is **allowed**. The delay caused in filing the present revision petition is condoned.
3. The present criminal revision petition has been filed aggrieved of judgment dated 27.06.2024 passed by Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Udaipur in Criminal Appeal No.09/2024 whereby judgment dated 15.12.2023 passed by Special Judicial Magistrate (N.I. Act Cases) No.6, Udaipur in Criminal Regular Case No. 706/2019, stood affirmed. Vide judgment dated 15.12.2023, the petitioner stood convicted for

offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the N.I. Act') and was sentenced to undergo simple imprisonment of one year and further, to pay fine of Rs.75,000/- and in default thereof, to undergo simple imprisonment of one month.

4. Both the Counsels unanimously submit that the parties have entered into a compromise and have amicably settled the dispute and the petitioner has paid the due amount satisfying the respondent claimant. Copy of Compromise deed dated 16.04.2026 has been placed on record. Thus, it has jointly been prayed that the judgment of conviction as well as the order of appeal be quashed and set aside.

5. Heard the Counsels. Perused the record and the compromise deed wherein it has been recited that the parties have resolved their dispute amicably and the complainant does not wish to continue the proceedings.

6. As per Section 147 of the N.I. Act, an offence under Section 138 is compoundable without taking permission of the Court.

7. In view of the compromise arrived at between the parties and the above statutory provision in this regard, the present revision petition is **allowed**.

8. The judgment of conviction and order of sentence dated 15.12.2023 passed by the learned Special Judicial Magistrate (N.I. Act Cases) No.6, Udaipur in Criminal Regular Case No. 706/2019 and the judgment in appeal dated 27.06.2024 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Udaipur in Criminal Appeal No.09/2024 are quashed and set aside. The accused is acquitted from the charges.

9. However, as the dispute has been resolved after a long lapse of time and the precious time of the Court has been spent, in light of the Supreme Court Judgment in the case of ***Damodar S. Prabhu Vs. Sayed Babulal H.; AIR 2010 SC 1907***, it is deemed appropriate to impose a cost of Rs.5,000/- upon the petitioner. The petitioner is thus, directed to deposit a cost of Rs.5,000/- with the District Legal Services Authority, Udaipur.

10. It is made clear that if the cost is not deposited by the petitioner, the judgment of conviction and order of sentence passed by the learned Trial Court shall be rejuvenated without any reference to the Court.

11. As the petitioner is not in judicial custody, he need not surrender. His bail bonds are discharged. If after the judgment of appeal, warrant has been issued against the petitioner, the same shall be withdrawn forthwith upon showing receipt of deposition of cost with the DLSA, Udaipur.

12. Stay application and all pending applications, if any, stand **disposed of.**

(REKHA BORANA),J