

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Revision Petition No. 854/2026
CNR: RJHC010514512026 | URN: CRLR / 1854U / 2026

Smt. Laxmi W/o Hariram, Aged About 70 Years, Inside Jadiji Ki Sarai, Near Bombay Lodge, Railway Station Jodhpur At Present House No 56 Aroda Nagar, Shiv Colony, Pali, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Suresh Barasa S/o Sona Ram, Jadilsi Ki Sray Ke Andar Railway Station Jodhpur, Rajasthan

-----Respondents

For Petitioner(s) : Mr. Kailash Kumar

For Respondent(s) : Mr. Shriram Choudhary, PP
Mr. Vijay Kumar Gaur

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/07/2026

1. The petitioner was convicted for the offence under Section 138 of the N.I. Act by the learned Additional Civil Judge & Metropolitan, Magistrate Court No.09, Jodhpur Metropolitan, vide judgment and order dated 31.01.2019 and the appeal preferred against the said order of conviction was dismissed by the learned Additional Sessions Judge No.3, Jodhpur Metropolitan in Criminal Appeal No.89/2019 (NCV No.89/2019) vide judgment dated 23.02.2026. The judgments passed by the courts below are assailed in this revision petition under Section 438/442 of BNSS.
2. The compromise deed dated 15.05.2026 annexed with the application clearly reflects that the complainant has settled the

dispute with the accused-petitioner and he has received the entire due amount. The offence under Section 138 of the N.I. Act is compoundable as per Section 147 of the N.I. Act.

3. In this background and considering the fact that the parties have entered into a compromise, the revision petition is **allowed** and the petitioner's conviction is set aside while compounding the offence. The impugned judgment dated 23.02.2026 passed by the learned Additional Sessions Judge No.3, Jodhpur Metropolitan in Criminal Appeal No.89/2019 (NCV No.89/2019) and affirming the judgment dated 31.01.2019 passed by the learned Additional Civil Judge & Metropolitan, Magistrate Court No.09, Jodhpur Metropolitan whereby the petitioner was convicted and sentenced for the offence under Section 138 of the N.I. Act are hereby quashed and set aside. The petitioner is acquitted from the charges. However, since the dispute has been resolved after long lapse of time and the precious time of the Courts have been spent by the parties, thus, in light of the Supreme Court Judgment in the case of ***Damodar S. Prabhu Vs. Sayed Babulal H., reported in AIR 2010 SC 1907*** it is deemed appropriate to impose a cost of Rs.2,000/- upon the petitioner.

The petitioner is directed to deposit a cost of Rs.2,000/- with the Lawyers Association, Rajasthan High Court, Jodhpur. It is further made clear that if the cost of proceedings i.e. Rs.2,000/- 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.



4. All pending applications, if any are disposed of.

(KULDEEP MATHUR),J