

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

S.B. Criminal Revision Petition No. 875/2026

Muse Khan Alias Raja S/o Bhur Khan, Aged About 54 Years, R/o Sindhiyo Bass, Near Masjid, Village Keru Tehsil And District Jodhpur

-----Petitioner

Versus

1. State Of Rajasthan, Through The Learned Public Prosecutor
2. Sonraj Suthar S/o Late Sh. Likhma Ram Suthar, R/o 950, 11Th D Road, Sardarpura Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Javed Khan Moyal
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP Mr. D.S. Gaur

**HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
(VACATION JUDGE)**

Order

23/06/2026

1. By filing the instant criminal revision petition, the petitioner is challenging the judgment dated 30.03.2026 passed by the learned Additional Sessions Judge No.5, Jodhpur Metro in Criminal Appeal No.17/2026 affirming the judgment dated 11.12.2025 passed by the learned Special Metro Magistrate (NI Act) No.8, Jodhpur Metro in Case 822/2021, whereby, the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for one year and further ordered to pay fine of Rs.3,20,000/- and in default of payment of fine, further to undergo simple imprisonment of one month.

2. Briefly stated, facts of the case are that the petitioner was prosecuted for committing an offence under Section 138 of the Negotiable Instruments Act. After completion of trial, he was found guilty and thus, was convicted and sentenced by the learned trial Court. The judgment of conviction was assailed by the petitioner by way of filing a criminal appeal but the same has been dismissed vide judgment dated 30.03.2026, hence the present revision petition has been filed.

4. The parties have entered into a compromise and have settled the dispute amicably. Copy of Compromise deed dated 26.05.2026 has been placed on record. Parties have resolved the dispute since the petitioner has paid the due amount satisfying the respondent-claimant. As per Section 147 of the N.I. Act, an offence under Section 138 of the N.I. Act is compoundable without taking permission of the court. Thus, it is jointly prayed that the judgment of conviction as well as the order of appeal be quashed and set aside.

5. Heard learned counsel for the parties. Perused the material available on record and gone through both the judgments as well as the compromise deed wherein it is recited that the parties have resolved their dispute amicably and the complainant does not wish to continue the proceedings.

6. Since the precious time of the court has been wasted in the entire criminal proceedings and now, the parties have arrived at a compromise at a belated stage, therefore, it is deemed appropriate to impose cost of proceedings upon the accused.

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

allowed. The judgment of conviction and order of sentence dated 11.12.2025 passed by the learned Special Metro Magistrate (NI Act) No.8, Jodhpur Metro in Case 822/2021 and the judgment in appeal dated 30.03.2026 passed by the learned Additional Sessions Judge No.5, Jodhpur Metro in Criminal Appeal No.17/2026 are quashed and set aside. The accused 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.5,000/- upon the petitioner. The petitioner is directed to deposit a cost of Rs.5,000/- with the District Legal Services Authority, Jodhpur. It is further 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 revive without any reference to the Court.

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

9. The stay petition is also disposed of.

(BALJINDER SINGH SANDHU) VJ