

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

S.B. Criminal Miscellaneous (Petition) No. 4900/2026

Naveen Vaishnav S/o Jagdish Vaishnav, Aged About 37 Years,
Resident Of Rawala Chowk, Sanganer Thana, Subhash Nagar,
Bhilwara (Rajasthan) 311001

-----Petitioner

Versus

1. Satyanarayan S/o Hiralal Teli, Resident Of House Of
Kamla Devi Jhanwar, Amaliaye Ki Bari, Near Bith Ke
Balalji, Bhimganj Thana, Bhilwara (Rajasthan) 311001
2. State Of Rajasthan, Through Public Prosecutor

-----Respondents

For Petitioner(s)	:	Mr. Ankit Somani
For Respondent(s)	:	Mr. Hanuman Prajapati, PP Mr. Deepesh Gurjar for complainant

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

03/07/2026

By filing the instant criminal revision petition, the petitioner is challenging the judgment dated 22.11.2021 passed by the learned Additional Sessions Judge, Bhilwara in Regular Criminal Appeal No.46/2017 affirming the judgment dated 12.07.2017 passed by the learned Special Magistrate (NI Act) No.1, Bhilwara in Case No.773/2015, whereby, the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for six months and further ordered to pay fine of Rs.2,20,000/- and in default of payment of fine, further to undergo simple imprisonment of six months.

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 22.11.2021, hence the present revision petition has been filed.

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.

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.

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.

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

12.07.2017 passed by the learned Special Magistrate (NI Act) No.1, Bhilwara in Case No. 773/2015 and the judgment in appeal dated 22.11.2021 passed by the learned Additional Sessions Judge, Bhilwara in Regular Criminal Appeal No.46/2017 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.

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.

The stay petition is also disposed of.

(BALJINDER SINGH SANDHU),J