

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Revision Petition No. 248/2026

Maksood Ali S/o Sh. Hazi Mumtaz Ali, Aged About 65 Years, R/o Bisatiyon Ka Mohalla, Ward No. 25, Sikar City, Sikar (Raj). Presently In Central Jail, Jaipur.

----Accused-Petitioner

Versus

1. State of Rajasthan through Public Prosecutor
2. Ayodhya Prasad Sharma S/o Late Sh. Ramswaroop Sharma, R/o 719, New Sanganer Road, Jaipur (Raj.).

----Respondents

For Petitioner(s)	:	Mr. Atul Sharma, Advocate
For Respondent(s)	:	Mr. Jaiprakash Tiwari, Public Prosecutor Mr. Gopal Gupta, Advocate alongwith Mr. Ayodhya Prasad Sharma, Complainant present-in-person

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

24/02/2026

S.B. Criminal Miscellaneous Application No.113/2026.

For the reasons & grounds mentioned therein, the present application under Section 5 of the Limitation Act filed by the petitioner seeking condonation of delay in filing the revision petition is **allowed**. The delay of 462-days in filing the revision petition is, hereby, condoned.

S.B. Criminal Revision Petition No. 248/2026

By way of filing the present revision petition under Section 438 r/w Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has challenged the judgment dt.06.12.2023 passed by Court of Id. Additional Chief Metropolitan Magistrate, No.10, Jaipur Metropolitan-I, in Criminal Case No.1216/2016, whereby Id. Magistrate has convicted the petitioner for commission of offence punishable under Section 138 of the N.I. Act & sentenced him to undergo one year simple

imprisonment and ordered to pay a sum of Rs.3,79,000/- to the complainant-respondent, as compensation, and in default thereof, to further undergo 15-days additional simple imprisonment.

The petitioner has also challenged the judgment dt.03.08.2024 passed by Court of Id. Additional Sessions Judge, No.6, Jaipur Metropolitan-I, in Criminal Appeal No.1/2024, whereby Id. Judge, while dismissing the aforesaid appeal, has confirmed the judgment of conviction & the order of sentence dt.06.12.2023 passed by the Id. Magistrate.

Facts of the present case, in brief, are that the complainant-respondent filed a complaint u/s.138 of N.I. Act against the petitioner before Id. trial Court alleging therein that the petitioner borrowed Rs.1,50,000/- from the complainant. Towards repayment thereof, he given a cheque amounting to Rs.1,50,000/- to the complainant, which on presentation was dishonoured & returned with the remarks of "insufficient funds". The trial Court convicted the petitioner for alleged offence & sentenced him to undergo maximum period of one year simple imprisonment alongwith a fine. Aggrieved by the aforesaid order, petitioner preferred an appeal before Id. Appellate Court, which was also dismissed, while confirming the conviction & sentence awarded by the Id. Magistrate. Hence, this revision.

Learned counsel appearing for the accused-petitioner submits that the petitioner was on bail during trial & appeal. During pendency of present revision petition, both the parties have entered into a compromise & the dispute between them has been amicably settled. No dispute now remains pending. The petitioner has been in judicial custody since 01.02.2026. Counsel further submits that since a compromise has been arrived at between the parties by way of mutual consent, no useful purpose would be served by continuing the

proceedings against the petitioner for the alleged offence. Therefore, the present petition may be allowed, the impugned judgments be quashed & set aside and the petitioner be acquitted from the charges levelled against him.

Learned Public Prosecutor for the State has opposed the submissions made herein-above.

Learned counsel appearing for the complainant/ respondent raised no objection, if the impugned judgments are quashed & set aside and the petitioner is acquitted of the charges levelled against him in terms of compromise.

Considering the submissions made at bar & the overall facts & circumstances of the case and the fact that a compromise has been arrived at between the parties, this Court finds that it would not be sustainable to uphold the judgments of the learned Courts below and maintain the conviction of the petitioner in the alleged offence. Furthermore, once the dispute has been settled by way of mutual compromise, no useful purpose would be served by continuing the proceedings against the petitioner for the alleged offence.

The dispute is *inter-se* in between the parties and does not affect the society at large. The complainant has now entered into a compromise with the present petitioner.

The aim & purpose of Section 138 of N.I. Act is not to punish the accused but to ensure that the due amount is duly returned to the complainant. Considering the nature of litigation under Section 138 of N.I. Act, in case the amount is paid and is duly accepted by the complainant, the matter should be compounded and the accused should be acquitted.

Since the parties have not entered into compromise at the first opportunity available to them and waited till disposal of the trial &

appeal and thereby wasted precious judicial time of the Court, in the interest of justice, a cost of Rs.10,000/- be imposed upon the petitioner. The petitioner shall deposit the above-said cost in the account of the Rajasthan State Legal Services Authority, Jaipur within a period of one month from the date of this order and submit the receipt to this Court.

Thus, in view of the compromise arrived at between the parties, this Court deems it just and proper to acquit the petitioner from the charges and allow the revision petition filed by the petitioner.

Accordingly, the present revision petition is **allowed**. The impugned judgments are quashed & set aside and the petitioner is acquitted from the charges levelled against him.

The petitioner is said to be in judicial custody. He shall be released from the prison forthwith, if not required in any other case.

Pending application, if any, also stand disposed of.

List alongwith compliance report on 24.03.2026.

(VINOD KUMAR BHARWANI), J.