

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 330/2026

URN: CRLR / 608U / 2026

Rudmal Samota S/o Shri Gangasahai, Resident Of Informant Of Saran Dharamkanta, Dhani Samota Wali, Ward No. 22, Jajekhurd @ Vishanpura, Via Shahpura, Teshil And Police Station Shahpura, District Jaipur, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Public Prosecutor.
2. Jagdish Palsaniya S/o Shri Ramkaran Palsaniya, Resident Of Ward No. 21, Gayatri Nagar, Post Shahpura, Police Station Shahpura, District Jaipur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Mamraj Jat, Adv.
For Respondent(s)	:	Mr. Rishiraj Singh Rathore, PP Mr. Hemant Gajraj, Adv.

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

09/07/2026

1. The present Criminal Revision Petition has been preferred by the petitioner under Section 438 read with Section 442 of BNSS, 2023 assailing the judgment of conviction and order of sentence dated 19.05.2018 passed by Learned Additional Chief Judicial Magistrate, Shahpura, District Jaipur in Criminal Case No.448/2008, whereby the petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to six months simple imprisonment along with fine of Rs.5,75,000 and in default of payment of fine, to further undergo a sentence of two months

simple imprisonment. The judgment of conviction and order of sentence came to be affirmed by the learned Appellate Court vide judgment dated 17.04.2025 passed by learned Additional Sessions Judge No.2, Shahpura, District Jaipur (Raj.) in Criminal Appeal No.21/2018.

2. It has come on record that during the pendency of the present revision petition, the petitioner and the respondent have amicably resolved their dispute and a compromise application has been filed before this Court praying that the sentence be permitted to be compounded and the judgments passed by the learned trial court as well as learned appellate court be set aside.

3. The respondent-complainant No.2 is present before this Court and has been duly identified by his counsel. The complainant has affirmed the factum of compromise and submitted that the same has been entered into between him and the petitioner voluntarily, without any force, coercion or undue influence. The complainant has acknowledged receipt of the entire agreed amount towards full and final settlement of the dispute and has conceded that he has no objection if the conviction and sentence recorded against the petitioner are set aside.

4. I have considered the submissions advanced by learned counsel for the parties and have carefully perused the material available on record.

5. Section 147 of the Negotiable Instruments Act begins with a '*non obstante clause*' and provides that every offence punishable under the Act shall be compoundable notwithstanding anything

contained in the Code of Criminal Procedure, 1973 (now, BNSS, 2023). The legislative intent behind the incorporation of the said provision is to encourage settlement of commercial disputes arising out of dishonour of cheques and to facilitate compounding even after conviction, subject to the satisfaction of the Court.

6. The Hon'ble Supreme Court in the case of **Damodar S. Prabhu v. Sayed Babalal H., (2010) 5 SCC 663**, has recognized that offences under Section 138 of the Negotiable Instruments Act can be compounded at different stages of the proceedings and has laid down broad guidelines regarding compounding. The said principle has subsequently been reiterated and liberalized in the case of **M.P. State Legal Services Authority v. Prateek Jain, (2014) 10 SCC 690**, wherein the Hon'ble Supreme Court observed that the object of Section 147 is to promote settlement and that the prescribed costs may be waived or reduced in appropriate cases for reasons to be recorded. Furthermore, the Apex Court much recently in the case of **Sanjabij Tari vs. Kishore S. Borcar & Anr., 2025 INSC 1158** had issued revised guidelines for compounding the offence.

7. Upon considering the fact that the dispute between the parties stands amicably settled and the complainant has received the entire settlement amount, no useful purpose would be served by continuing the conviction of the petitioner. The compromise appears to be genuine, voluntary and lawful, therefore, this Court is of the considered opinion that the offence deserves to be

compounded in exercise of powers under Section 147 of the Negotiable Instruments Act.

8. Accordingly, the compromise application is accepted and the offence under Section 138 of the Negotiable Instruments Act is permitted to be compounded.

9. However, since the compromise has been arrived at after rejection of the appeal preferred by the petitioner, a cost of 7.5% of the cheque amount deserves to be imposed upon the petitioner in light of the decision rendered by the Hon'ble Apex Court in the case of **Sanjabij Tari (supra)**.

10. Consequently, the present Criminal Revision Petition succeeds and is allowed. The judgment of conviction and order of sentence dated 19.05.2018 passed by the learned Additional Chief Judicial Magistrate, Shahpura, District Jaipur in Regular Criminal Case No. 448/2008 as affirmed by the judgment dated 17.04.2025 passed by the learned Additional Sessions Judge No.2, Shahpura, District Jaipur in Criminal Appeal No.21/2018 are hereby set aside subject to deposition of cost of 7.5% of the cheque amount by the petitioner. The said cost shall be deposited by the petitioner before the Rajasthan State Legal Services Authority, Jaipur within a period of one month from today. In case, the cost is not deposited by the petitioner within the stipulated period, the revision petition may be listed before this Court for passing appropriate orders.

11. The petitioner is acquitted of the charge under Section 138 of the Negotiable Instruments Act by virtue of compounding of the offence. Consequence to follow.

12. Any pending application(s), if any, also stand disposed of. There shall be no order as to costs.

(ANIL KUMAR UPMAN),J

155/Manoj Solanki