

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 447/2026

Hanuman Sahay S/o Shri Kalyan Sahay Bhakhar, Aged About 51 Years, R/o House No. 496, Sumer Nagar, Muhana Mandir Road, Jaipur, Office Address Om Shiv Chamber, Shop No. 133, Shri Shyam Complex, Vijay Path, Opp. Iscon Temple, Terminal Market Road, Mansarovar, Jaipur (Rajasthan). (Presently Confined In Central Jail Jaipur)

----Petitioner

Versus

1. State of Rajasthan through Public Prosecutor
2. Rajkamal Gaur S/o Shri Chandulal Gaur, Aged About 63 Years, R/o House No. 157, Padmawati Colony, Kings Road, Jaipur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Subhash Sharma, Advocate with Ms. Swati Sharma, Advocate
For Respondent(s)	:	Mr. Raj Kamal Gaur, Complainant, in person

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

09/03/2026

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.17.10.2022 passed by Court of Id. Special Metropolitan Magistrate (N.I. Act Cases), No.5, Jaipur Metropolitan-II, in Criminal Case No.1192/2021, whereby Id. Magistrate has convicted the petitioner for commission of offence punishable under Section 138 of the N.I. Act & sentenced him to undergo six months simple imprisonment & ordered to pay a sum of Rs.19,30,000/- to the complainant, as compensation, and in default thereof, to further undergo one month additional simple imprisonment.

The petitioner has also challenged the judgment dt.06.02.2026 passed by Court of Id. Additional Sessions Judge, No.1,

Jaipur Metropolitan-II, in Criminal Appeal No.56/2022, whereby Id. Judge, while dismissing the aforesaid appeal, has confirmed the judgment of conviction & the order of sentence dt.17.10.2022 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 given several cheques to the complainant, which on presentation were dishonoured with the remarks of "insufficient funds". The trial Court convicted the petitioner for alleged offence & sentenced him to undergo maximum period of six months 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.

Submissions of learned counsel appearing for the accused-petitioner are that the petitioner was not in custody during trial and presently, he is confined in jail. During the pendency of the present revision petition, both the parties have entered into a compromise & the dispute between them has been amicably settled. The complainant has received the disputed amount. No dispute now remains pending. 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.

Mr. Rajkamal Gaur, complainant/respondent No.2 is present-in-person before this Court. He has submitted an affidavit regarding compromise dt.09.03.2026, which has been taken on record. He does

not wish to continue the matter & has 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.

Heard both the parties. Perused the impugned judgments & the material made available on record.

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. As per aforesaid compromise, the complainant has received the disputed amount.

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.5,000/- 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 09.04.2026.

(VINOD KUMAR BHARWANI),J.