

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 1319/2024

Pawan Kumar Sharma son of Shri Birbal Kumar Sharma, Aged About 51 Years, Resident Of 275/38, Ashok Vihar Colony, Ajmer Rajasthan

----Accused-Petitioner

Versus

1. State of Rajasthan through its Public Prosecutor
2. M/s. Ashok Leyland Finance, (A Division Of Inudind Bank Limited) Branch Office 9/86, Rang Vihar, Court Road, Ajmer Through Legal Executive And Authorised Signatory Brajendra Singh Shekhawat

----Respondents

For Petitioner(s)	:	Mr. Rohitash Kumar Verma, Adv. with Ms. Monika Jhanjharia, Advocate
For Respondent(s)	:	Mr. Jaiprakash Tiwari, Public Prosecutor Mr. Aayush Agarwal, Advocate

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

24/02/2026

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.25.11.2022 passed by Court of Id. Additional Civil Judge & Judicial Magistrate, No.3, Ajmer, in Criminal Case/CIS No.4553/2017, whereby Id. Magistrate has convicted the petitioner for commission of offence punishable under Section 138 of the N.I. Act & sentenced him to undergo two years simple imprisonment and ordered to pay a sum of Rs.20,00,000/- to the complainant-respondent, as compensation, and in default thereof, to further undergo two months additional simple imprisonment.

The petitioner has also challenged the judgment dt.05.07.2024 passed by Court of Id. Additional Sessions Judge, No.5, Ajmer, in Criminal Appeal No.107/2022, whereby Id. Judge, while

dismissing the aforesaid appeal, has confirmed the judgment of conviction & the order of sentence dt.25.11.2022 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 issued a cheque amounting to Rs.10,45,219/- on 22.07.2006, which on presentation was dishonoured by the bank due to "insufficient funds". The trial Court convicted the petitioner for alleged offence & sentenced him to undergo maximum period of two years 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 during the pendency of the present revision petition, both the parties have entered into a compromise & the dispute between them has been amicably settled. In full & final settlement of the dispute, the petitioner has deposited a sum of Rs.4,19,522/- with waivers against the original demand as per one-time-settlement & waivers approved by the Committee of the bank with the office of the respondent No.2. The complainant has received the disputed amount. No dispute now remains pending. The petitioner has been in judicial custody since long. 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 appearing for the State has opposed the submissions made herein-above.

Learned counsel appearing for the complainant/ respondent No.2 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 learned counsel appearing for the parties. Perused 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 compromise dt.24.02.2026, in full & final settlement of the dispute, the petitioner has deposited a sum of Rs.4,19,522/- with waivers against the original demand as per one-time-settlement & waivers approved by the Committee of the bank with the office of the respondent No.2. The complainant has received the disputed amount. He has no objection, if the impugned judgments are quashed & set aside and the petitioner is acquitted in terms of compromise.

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