

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 1802/2026
CNR: RJHC020901662026 | URN: CRLR / 3281U / 2026

Dharmraj Son Of Shri Kaluram Bairwa, Resident Of 19, Bairwa Ki Dhani, Rampura @ Chandaliya, Patan, Jaipur (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. Rambabu Saini Son Of Shri Surajmal Saini, Aged About 49 Years, Resident Of 64-B, Hanumant Vihar, Mangyawas, Mansarowar, Jaipur.

-----Respondents

For Petitioner(s) : Ms. Chanchal, Adv. for
Mr. Rajneesh Gupta, PP

For Respondent(s) : Mr. Manvendra Singh, PP
Mr. Mukesh Goyal, Adv.

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

05/10/2026

S.B. Criminal Misc. Application No.802/2026:-

1. For the reasons mentioned in the application (CMCR No.802/2026), the same is allowed and the delay of 470 days in filing the criminal revision against the conviction is condoned.
2. The application (CMCR No.802/2026) stands disposed of.

S.B. Criminal Revision Petition No. 1802/2026:-

1. The present revision petition under Sections 438 read with 442 of the BNSS has been preferred against the judgment dated 03.03.2025 passed by the learned Additional Sessions Judge No.9, Jaipur Metropolitan-I in Criminal Appeal No.12/2024, whereby the

appeal filed by the accused-petitioner was dismissed and the judgment dated 13.05.2024 passed by the learned Special Judge, Metropolitan Magistrate (N.I. Act Cases) No.8, Jaipur Metropolitan-I in Criminal Misc. Case No.18344/2023, convicting and sentencing the accused-petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881, was affirmed. The trial Court convicted and sentenced the accused-petitioner under Section 138 of the N.I. Act to undergo six months' simple imprisonment and to pay a fine of Rs.6,00,000/-, with a further sentence of one month's simple imprisonment in default of payment of the said fine.

2. At the outset, learned counsel for the petitioner submits that the petitioner and respondent No.2, have amicably settled their dispute. Therefore, on the basis of the compromise entered into between the parties, the conviction and sentence passed by the Courts below may be set aside.

3. Learned counsel appearing on behalf of the complainant accepts that the petitioner and respondent No.2, have amicably settled their dispute and respondent No.2 is present in person before this Court and concedes that if the conviction and sentence passed against the petitioner are set aside on the basis of the compromise, respondent No.2 has no objection.

4. Heard and perused the material available on record.

5. On perusal of the record, it reveals that both the parties have amicably settled their dispute and entered into compromise, accordingly, the present revision petition may be decided in terms of the compromise.

6. As per Section 147 of the N.I. Act, the offence under Section 138 of the N.I. Act is compoundable, therefore, this Court is of the opinion that it would be just and proper to dispose of the present revision petition on the basis of the compromise arrived at between the parties. Further, considering the poor financial condition of the accused-petitioner, this Court deems it appropriate to exempt the petitioner from depositing the cost as directed by the Hon'ble Supreme Court in the case of **Sanjabij Tari v. Kishore S. Borcar & Anr., 2025 INSC 1158**.

7. Accordingly, the conviction and sentence of imprisonment awarded to the petitioner for the offence under Section 138 of the N.I. Act is set aside and the petitioner is acquitted of the said offence on the basis of compromise. The petitioner is also exempted from depositing the cost.

8. The petitioner is accordingly acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

9. Since the revision petition has been allowed on the basis of compromise, no order is required to be passed on the suspension of sentence application and the same stands disposed of accordingly.

10. Pending application, if any, also stands disposed of.

(PRAVEER BHATNAGAR),J