

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO..... OF 2026
(@SPECIAL LEAVE PETITION (CRIMINAL) NO.... OF
2026 @Diary No.12948/2026)**

BRIJ KISHORE

APPELLANT(s)

VERSUS

**GOURI SHANKER (MRAT) DWARA
SMT JAIJUVAR**

RESPONDENT(S)

O R D E R

- 1. Delay condoned.**
- 2. Leave granted.**

3. This appeal arises from the order passed by the High Court of Madhya Pradesh dated 04.09.2025 in Criminal Revision No. 2141 of 2025, by which the revision petition preferred by the appellant before us came to be rejected on the ground of being not maintainable in view of non-compliance of Rule 48 of Chapter 10 of the High Court of Madhya Pradesh Rules, 2008 (for short, "the Rules, 2008") and also for non-compliance of the order passed by the High Court dated 17.06.2021 passed in Criminal Revision No. 706 of 2021.

4. It appears *prima facie* from the materials on record that the appellant was put to trial in the Court of the Judicial Magistrate First Class, Tikamgarh, State of Madhya Pradesh for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, "the NI Act").

5. The Trial Court held the appellant guilty of the alleged offence and sentenced him to undergo one year of simple imprisonment with fine of Rs.65,000/-.

6. The appellant, being dissatisfied with the judgment of conviction passed by the Trial Court went in appeal before the Sessions Court. The Appeal No. 29 of 2017 was heard by the 2nd Additional Sessions Judge, District Tikamgarh, State of Madhya Pradesh and the order dated 08.08.2017, the appeal came to be dismissed thereby affirming the judgment and order of conviction with fine passed by the Trial Court.

7. In view of the aforesaid, the appellant went before the High Court by preferring a Criminal Revision No. 706 of 2021. The Criminal Revision No. 706 of 2021 came to be dismissed vide the order dated 17.06.2021. The Order reads thus:-

"Heard through Video Conferencing.

Shri Shashank Upadhyay, learned counsel for the petitioner.

Shri Y. Shukla, learned counsel for the respondent/State.

This revision against conviction under Section 138 of the Negotiable Instrument Act awarded by the trial Court vide order dated 16/01/2017 and affirmed by the Appellate Court vide order dated 08/08/2017.

The petitioner has not surrendered before the Court.

As per provision of Chapter 10 Rule 48 of the High Court of Madhya Pradesh Rules, 2008, in absence of surrender of the petitioner, this revision is not maintainable.

Learned counsel for the petitioner seeks permission of this Court to withdraw this revision with liberty to file fresh revision after surrender of the petitioner.

Permission is granted.

The Revision is dismissed as withdrawn with the aforesaid liberty."

8. It is the case of the appellant that he has settled the matter with the complainant. He has already made payment of Rs.1,00,000/- (Rupees One lakh only) to the complainant. This fact is not in dispute. In the wake of the settlement, the High Court ought to have set aside the judgment and order

of conviction. When the appellant preferred the second revision application i.e., Criminal Revision No. 2141 of 2025, the High Court though acknowledged the settlement between the parties yet declined to record the settlement and pass an appropriate order because the High Court wanted the appellant to first surrender before the jail authorities in view of Rule 48 of Chapter 10 of Rules, 2008. Rule 48 of 2008 Rules reads thus:-

"48. A memorandum of appeal or revision petition against conviction, except in cases where the sentence has been suspended by the Court below, shall contain a declaration to the effect that the convicted person is in custody or has surrendered after the conviction.

Where the sentence has been so suspended, the factum of such suspension and its period shall be stated in the memorandum of appeal or revision petition, as also in the application under section 430 of the Sanhita, 2023.

An application under section 430 of the Sanhita, 2023 shall, as far as possible, be in Format No. 11 and shall be accompanied by an affidavit of the appellant/applicant or some other person acquainted with the facts of the case."

9. Although, the validity of Rule 48 of the Rules, 2008 is not a subject matter of challenge before us, yet we are of the view that the High Court on its administrative side should have a re-look at this Rule 48.

10. In a matter of the present nature, it was too much for the High Court to insist first to comply with Rule 48 of Rules, 2008, referred to above, and then record the settlement and pass an appropriate order.

11. Since the High Court has also observed that there has been a settlement and the amount of Rs.1,00,000/- (Rupees One lakh only) has been duly paid by the appellant to the complainant, the impugned judgment and order of conviction and fine are hereby set aside.

12. In view of the aforesaid, the appeal is allowed.

13. Pending application(s), if any, shall stand disposed of.

.....J.
[J.B. PARDIWALA]

.....J.
[UJJAL BHUYAN]

New Delhi
06th May, 2026

ITEM NO.10

COURT NO.7

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.12948/2026

[Arising out of impugned final judgment and order dated 04-09-2025 in CRR No. 2141/2025 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

BRIJ KISHORE

PETITIONER(S)

VERSUS

GOURI SHANKER (MRAT) DWARA
SMT JAIJUVAR

RESPONDENT(S)

IA No. 117931/2026 - CONDONATION OF DELAY IN FILING
IA No. 117925/2026 - CONDONATION OF DELAY IN REFILING /
CURING THE DEFECTS, IA No. 117930/2026 - EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT, IA No. 117929/2026 - EXEMPTION
FROM FILING O.T., IA No. 123017/2026 - EXEMPTION FROM
SURRENDERING WITHIN TIME

Date : 06-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : M/S. Varun Thakur & Associates, AOR
Mr. Varun Thakur, Adv.
Mr. Ramkaran, Adv.
Deepak Goel, Adv.
Tanuj Bagga Sharma, Adv.
Shraddha Saran, Adv.
S P Singh, Adv.
Vishakha Singh Chauhan, Adv.

Dr. M K Ravi, Adv.

For Respondent(s) :

**UPON hearing the counsel the Court made the following
O R D E R**

- 1. Delay condoned.**
- 2. Leave granted.**
- 3. The appeal is allowed in terms of the signed order.**
- 4. Pending application(s), if any, stands disposed of.**

**(CHANDRESH)
ASTT. REGISTRAR-cum-PS**

**(POOJA SHARMA)
COURT MASTER (NSH)**

(Signed order is placed on the file)