

(2024) 11 UK CK 0009

Uttarakhand High Court

Case No: Criminal Revision No. 679 Of 2024, Compounding Application IA No. 5 Of 2024

Basant Singh Kumain

APPELLANT

Vs

Ajay Singh Bisht

RESPONDENT

Date of Decision: Nov. 7, 2024

Acts Referred:

- Negotiable Instruments Act, 1881 - Section 138

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: Rakshit Joshi, Gaurav Kandpal

Final Decision: Allowed/ Disposed Of

Judgement

Ravindra Maithani, J

1. The challenge in this revision is made to the following:-

(i) Judgment and order dated 02.11.2023, passed in Criminal Complaint No. 27 of 2019, Ajay Singh Bisht Vs. M/S Harsh Associates and Others, by the court of Judicial Magistrate, Rishikesh, District Dehradun ("the case"). By it, the revisionist has been convicted under Section 138 of the Negotiable Instruments Act, 1881 ("the Act") and sentenced to undergo rigorous imprisonment for a period of five months with a fine of Rs. 24,50,000/-. In default of payment of fine, to undergo simple imprisonment for a period of 15 days;

(ii) Judgment and order dated 10.01.2024, passed in Criminal Appeal No. 60 of 2023, Basant Singh Kumain Vs. Ajay Singh Bisht, by the court of Additional Sessions Judge, I, Rishikesh, District Dehradun. By it, the order passed in the case was affirmed.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the parties would submit that the parties have settled the dispute amicably and they do not want to proceed with the case now. A Compounding Application, IA No.5 of 2024, has been filed along with the affidavits of the brother of the revisionist as well as by the respondent.

4. The revisionist is confined in District Jail Dehradun. He has joined the proceedings through video conferencing. The respondent is present in person. They both are identified by their respective counsel. Both have stated that they have settled the dispute amicably.

5. Since the offence has been compounded, this Court is of the view that while setting aside the impugned judgments and orders, the revisionist is liable to be acquitted of

the charge under Section 138 of the Act.

6. Accordingly, the revision is allowed. The impugned judgements and orders are set aside. The revisionist is acquitted of the charge under Section 138 of the Act.

7. The revisionist is in jail. Let he be released forthwith, if not wanted in any other case.

8. Compounding Application No. 5 of 2024 stands disposed of, accordingly.

9. Let a certified copy of this order be sent to the learned counsel for the parties, today itself, on payment of usual charges.