

**(2024) 12 UK CK 0039**

**Uttarakhand High Court**

**Case No:** Criminal Revision No. 719 Of 2024, Compounding Application IA No. 5 Of 2024

Kuldeep

APPELLANT

Vs

State Of Uttarakhand And  
Another

RESPONDENT

**Date of Decision:** Dec. 10, 2024

**Acts Referred:**

- Negotiable Instruments Act, 1881 - Section 138

**Hon'ble Judges:** Ravindra Maithani, J

**Bench:** Single Bench

**Advocate:** Mukesh Rawat, Vipul Painuli, Subhr Rastogi

**Final Decision:** Allowed/ Disposed Of

**Judgement**

Ravindra Maithani, J

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

(i) Judgment and order dated 16.05.2024, passed in Criminal Complaint Case No. 881 of 2022, Faheem Khan v. Kuldeep, by the court of Judicial

Magistrate/First Additional Civil Judge (Jr. Div.), Nainital (â€œthe caseâ€), by which the revisionist has been convicted under Section 138 of the

Negotiable Instruments Act, 1881 (â€œthe Actâ€) and has been sentenced to imprisonment for a period of six months and a fine of Rs. 1,60,000/-;

and

(ii) Judgment and order dated 20.09.2024, passed in Criminal Appeal No. 22 of 2024, Kuldeep v. State of Uttarakhand and another, by the court of

Sessions Judge, Nainital, by which the appeal filed by the revisionist has been dismissed and the judgment and order passed in the case has been

affirmed.

2. A joint compounding application (IA No. 5 of 2024) has been filed supported by the affidavits.

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

4. Learned counsel for the parties would submit that the parties have amicably settled the dispute.

5. Learned counsel for the revisionist would submit that the revisionist has deposited 15% of the cheque amount with the Uttarakhand State Legal

Services Authority in view of the judgment of the Honâ€™ble Supreme Court in the case of Damodar S. Prabhu v. Sayed Babalal H., (2010) 5 SCC

663. The Registry has confirmed it.

6. The revisionist is in jail. He joined the proceedings through video conferencing. The complainant/respondent no. 2 is present in person, duly

identified by his counsel. Both the revisionist and the respondent no. 2 have verified the contents of the compounding application and have stated that

they have settled the dispute amicably.

7. The Court particularly asked the respondent no. 2. He would submit that he has received the money and does not want to pursue the matter any

further.

8. Since the offence has been compounded, this Court is of the view that it is a case, which may be decided on the basis of amicable settlement

between the parties. Accordingly, the revision deserves to be allowed; the impugned judgments and orders deserve to be set aside and the revisionist

is liable to be acquitted of the charge under Section 138 of the Act.

9. The revision is allowed. The impugned judgements and orders passed in the case and in the appeal are set aside. The revisionist is acquitted of the

charge under Section 138 of the Act.

10. The revisionist is in jail. Let he be set free forthwith, if not wanted in any other case.

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