

(2011) 09 UK CK 0059
In the Uttarakhand High Court
Case No : Criminal Revision No. 237 of 2011

Ajay Srivastava

APPELLANT

Vs

State of Uttarakhand and Vipin Tyagi

RESPONDENT

Date of Decision : 20-09-2011

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138, 147

Citation : (2011) 09 UK CK 0059

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard.

2. This revision is directed against the order dated 13.07.2011, passed by Additional Sessions Judge/II Fast Track Court, Haridwar, in Criminal Appeal No. 56 of 2005, whereby said court has dismissed the appeal, and affirmed the conviction and sentence awarded by the trial court (Special Judicial Magistrate, Haridwar) in criminal complaint case No. 1203 of 2003, against the revisionist Ajay Srivastava u/s 138 of Negotiable Instruments Act, 1881, and further directed Rs. 50,000/- be paid as compensation.

3. The offence punishable u/s 138 of Negotiable Instruments Act, 1881, is compoundable u/s 147 of Act.

4. A compounding application No. 1116 of 2011, has been moved on behalf of the revisionist Ajay Srivastava and Respondent Vipin Tyagi (complainant) supported by their affidavits. Both are present in court, identified by their counsel. The revisionist (accused), and complainant (respondent No. 2) verified the fact that the offence has been compounded.

5. In the above circumstances, compounding application No. 1116 of 2011, is allowed. In view of the compounding of offence punishable u/s 138 of Negotiable

Instruments Act, 1881, the revisionist Ajay Srivastava is acquitted of the said charge. His conviction and sentence recorded by the courts below stands set aside. The revision stands disposed of.