

(2024) 08 UK CK 0132

In the Uttarakhand High Court

Case No : Criminal Revision No. 563 Of 2024 & Criminal Revision No. 568 Of 2024

Pushpa Uprari

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 27-08-2024

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2024) 08 UK CK 0132

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Dushyant Mainali, Manisha Rana Singh, Mahendra Singh Rawat

Final Decision : Allowed

Judgement

Ravindra Maithani, J

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

(i) Judgment and order dated 27.04.2022, passed in Criminal Complaint Case No. 1038 of 2019, Uttarakhand Gramin Bank Branch Takana Vs. Pushpa Uprari, by the court of Chief Judicial Magistrate, Pithoragarh, District Pithoragarh ("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 six months with a fine of Rs. 4,40,000/-. In default of payment of fine, to undergo simple imprisonment for a period of two months;

(ii) Judgment and order dated 09.08.2024, passed in Criminal Appeal No. 23 of 2022, Smt. Pushpa Uprari Vs. Uttarakhand Gramin Bank, Branch Takana and Another, by the court of Sessions Judge, District Pithoragarh ("the appeal"). 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 parties have settled the

dispute amicably. It is argued that the complainant is Uttarakhand Gramin Bank, Branch Takana. The complaint was filed by the then Branch Manager Hemant Singh Bhandari, but now, Vijay Kumar Arya is the Branch Manager, and he has been authorized by the complainant Bank to do pairavi in the instant case.

4. A communication of the Uttarakhand Gramin Bank, Branch Takana, dated 27.08.2024, has been placed for the perusal of the Court at the time of hearing.

5. Let it be placed on record.

6. The revisionist is personally present, as identified by her learned counsel. She would submit that she has paid the entire dues.

7. On behalf of the complainant, Mr. Vijay Kumar Arya, as identified by learned counsel for the complainant, joined the proceedings through video conferencing. He would submit that the matter has been settled and the payment has been received. Now, he does not want to proceed with the case.

8. Since the parties have settled the dispute amicably and all the public money has been paid by the revisionist and also considering that the respondent Bank/complainant does not want to proceed with the case any further, this Court is of the view that this matter may be decided on the basis of compromise entered into between the parties. Accordingly, the conviction and sentence imposed upon the revisionist may be set aside and the revisionist may be acquitted of the charge under Section 138 of the Act. The revision deserves to be allowed, accordingly.

9. The revision is allowed.

10. The impugned judgments and orders are set aside. The revisionist is acquitted of the charge under Section 138 of the Act.