

(2017) 11 RAJ CK 0071
In the Rajasthan High Court
Case No : 1423 of 2017

Samudra Singh Bhati S/o Shri Bhanwar Singh Bhati	APPELLANT
Vs	
The State of Rajasthan	RESPONDENT

Date of Decision : 27-11-2017

Acts Referred:

[Negotiable Instruments Act, 1881](#), [Section 138](#), [Section 147](#) - Dishonour of cheque for insufficiency, etc., of funds in the account - Offences to be compoundable

Citation : (2017) 11 RAJ CK 0071

Hon'ble Judges : Manoj Kumar Garg

Bench : SINGLE BENCH

Advocate : RS Chundawat, OP Rathi, Ravindra Acharya

Final Decision : Disposed

Judgement

1. This revision petition has been filed against the judgment dated 06.10.2017 passed by the learned Additional Sessions Judge (Women Atrocity Cases) Bhilwara whereby the appeal filed against the judgment dated 28.11.2015 passed by the learned Special Judicial Magistrate (N.I. Act) Cases No.1, Bhilwara for offence under Section 138 N.I. Act has been affirmed and the petitioner has been sentenced to undergo three months simple imprisonment along with fine in the sum of Rs.60,000/-.
2. Today a joint application No.1512/2017 has been filed by the petitioner and the respondent No.2 in which it has been stated that in the spirit of Lok Adalat the parties have entered into

compromise and amicably settled their issues, therefore, sentence of imprisonment awarded to the petitioner may be set aside.

3. Counsel for the petitioner submits that the complainant respondent No.2 has received the complete cheque amount from the accused-petitioner and does not want to proceed in the matter.

4. Having considered the facts and circumstances of the case, since the parties have settled the dispute and complainant has received the complete cheque amount and in the light of the provisions of Section 147 of N.I. Act and in view of law laid down by the Hon''ble Apex Court in the case of Damodar S. Prabhu Vs. Sayed Babalal H. reported in 2010 (5) SCC 663, the sentence awarded to the petitioner for offence under Section 138 N.I. Act is liable to be set aside.

5. Accordingly the conviction and sentence of imprisonment awarded to the petitioner for offence under Section 138 N.I. Act vide judgment dated 28.11.2015 passed by the Special Judicial Magistrate (N.I.Act) Cases No.1, Bhilwara and judgment dated 06.10.2017 passed by the learned Additional Session Judge (Women Atrocity Cases), Bhilwara is hereby set aside on the basis of aforesaid compromise.

6. The revision petition is disposed of.