
(2021) 07 JH CK 0002

In the Jharkhand High Court

Case No : Criminal Revision No. 244 Of 2021, I.A. No.2794, 2795 Of 2021

Sunil Agarwal And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 01-07-2021

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138, 147

Citation : (2021) 07 JH CK 0002

Hon'ble Judges : Rajesh Kumar, J

Bench : Single Bench

Advocate : Shashi Kant Mishra, Lily Sahay, P. K. Sinha

Final Decision : Allowed

Judgement

Rajesh Kumar, J

1. The matter was taken up through Video Conferencing. Learned counsel for the parties had no objection with it and submitted that the audio and

video qualities are good.

1. Defects, as pointed out by the office, are ignored.

2. Issue notice to O.P. No.02.

3. Mr. Prabhat Kumar Sinha, learned counsel, accepts notice on behalf of O.P. No.02 and submits that he has filed the vakalatnama on behalf of O.P.

No.02.

4. The instant revision has been preferred against the judgment dated 17.02.2021, passed in Cr. Appeal No.52 of 2020 by the court of learned

Sessions Judge, East Singhbhum at Jamshedpur, affirming the judgment and order of sentence dated 05.03.2020, whereby the petitioners have been

found guilty and convicted under Section 138 of the Negotiable Instruments Act,

by the court of learned Judicial Magistrate, 1st Class, Jamshedpur, in C/1 Case No.2975 of 2016 (T.R. No.12 of 2020). The petitioners have been sentenced to undergo simple imprisonment of three months and to pay the compensation of Rs.16,05,000/- (Rupees sixteen lakhs and five thousand only), out of which Rs.16,00,000/- was ordered to be paid as compensation to the complainant and rest amount of Rs.5,000/- was to be appropriated to the State, in default thereof, to suffer S.I of one month.

5. Learned counsel for the petitioner has submitted that joint compromise petition, being I.A. No.2794 of 2021, has been filed by both the parties and

I.A. No.2795 of 2021 has been filed for exempting the petitioners from filing the surrender certificate and from surrendering in the court below on the

strength of the joint compromise petition, filed by both the parties. It has further been submitted that offence under Section 138 of the N.I. Act is a

compoundable offence. On the above facts, prayer has been made to quash and set aside the judgments of the courts below.

6. Learned counsel appearing on behalf of O.P. No.02 has submitted that there is compromise between the parties. It has further been submitted that

claim of O.P. No.02 has been satisfied and he has no interest in pursuing the matter further any more, rather he is agreed for compounding the offence.

7. Heard learned counsel for the parties. As per Section 147 of the N.I. Act, the offence is compoundable in nature. Accordingly the compromise is

allowed and the judgment dated 17.02.2021, passed in Cr. Appeal No. 52 of 2020 by the court of learned Sessions Judge, East Singhbhum at

Jamshedpur and the judgment and order of sentence dated 05.03.2020 passed by the learned Judicial Magistrate, 1st Class, Jamshedpur, in C/1 Case

No.2975 of 2016 (T.R. No.12 of 2020), are, hereby, quashed and set aside. The petitioners are acquitted of the offence under Section 138 of the N.I

Act in terms of the compromise entered into between the parties.

8. In view of the compromise between the parties, the petitioners are exempted from surrendering in the court below.

9. In the result, the revision and I.A. Nos.2794 of 2021 & 2795 of 2021 stand allowed.