

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.268 of 2022**

Arising Out of PS. Case No.-86 Year-2012 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

Amrendra Kumar Son of Sri Ravindra Sharma Resident of Professor Colony,
P.S. - Jehanabad (Town), Distt.- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar Son of Sri Ram Nandan Sharma Resident of Village -
Kanhaiyachak, P.S. - Kinjar Distt.- Arwal at Present Gandhi Nagar
Jehanabad P.S. and Distt.- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No1, Adv.
For the Respondent/s	:	Mr. Satyendra Prasad, APP
For the opposite party	:	Mr. Satish Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 10-11-2025

I.A. No. 02 of 2022

The instant Interlocutory Application has been filed on behalf of the petitioner for condonation of delay in filing the instant criminal revision petition.

2. Learned counsel for the petitioner submits that the order of Appellate Court is dated 25.02.2020 which is under challenge before this Court. The instant revision petition has been filed on 08.03.2022 but by virtue of orders of the Hon'ble Supreme Court in the case of Suo Moto Writ Petition (C) No. 3 of 2020 the period of limitation did not run from 15.03.2020 till 28.02.2022. Therefore, there was no delay in filing the instant



revision petition.

3. In the light of the submissions made by the learned counsel for the petitioner and for the reasons mentioned in I.A. No. 02 of 2022, there is no delay in filing the present criminal revision.

4. Accordingly, the present Interlocutory Application No. 02 of 2022 stands disposed of, with aforesaid observation.

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5. The instant revision petition has been filed for setting aside the judgment and order dated 25.02.2020 and 23.08.2019, passed by the Additional Session Judge-VI, Jehanabad in Cr. App. No. 70 of 2019/54 of 2019 and by the Sub-Divisional Judicial Magistrate, Jehanabad in complaint case No. 86 of 12, respectively.

6. Learned counsel for the petitioner submits that the O.P. No. 02 was complainant before the learned Trial Court and he had extended a friendly loan of Rs. 2,75,000/- to this petitioner on 06.09.2010. Although, the petitioner has no ulterior motive to grab the money given as loan by the O.P. No. 2, due to financial hardship, he failed to return the money. The petitioner had also given three cheques towards repayment of loan but due to precarious financial condition of the petitioner



the cheques got dishonored. Despite assurance of the petitioner, the O.P. No. 2 filed a complaint case bearing no. 86 of 2012 before the Sub-Divisional Judicial Magistrate, Jehanabad in which Trial No. 810 of 2019 took place. During the pendency of the anticipatory bail application of the petitioner he made payment of Rs. 1 lakh to the complainant. However, trial proceeded and the petitioner was convicted under Section 138 of the Negotiable Instruments Act and was sentenced to undergo imprisonment of 1 year and fine of Rs. 2,75,000/-. The payment of Rs. 1 lakh, which was earlier made to the O.P. No. 2, was ordered to be adjusted. In case the fine was not paid, the petitioner was ordered to further undergo imprisonment of 1^{1/2} months. Against the judgment and order of learned Trial Court dated 23.08.2019 passed by the learned SDJM Jehanabad, the petitioner preferred an appeal before the Court of the learned Additional District and Sessions Judge, Jehanabad bearing Cr. Appeal No. 70/54 of 2019 whereby and whereunder the Appellate Court upheld the judgment of conviction and order of sentence and dismissed the appeal with its judgment dated 25.02.2020. Against the judgments of conviction and order of sentence, the petitioner filed the present criminal revision petition.



7. Learned counsel further submits that however, during pendency of the instant revision petition a settlement has been arrived at between the parties and the petitioner has made payment of Rs. 1,75,000/- to the O.P. No. 2 and nothing remains in the matter. A supplementary affidavit bringing this fact is brought on record along with the compromise deed dated 15.05.2023. Learned counsel further submits that as both the parties have settled their disputes outside the Court and no grievance remains and the O.P. No. 2 is not willing to proceed with the litigation any further, considering the compoundable nature of offence, the judgment dated 25.02.2020 and judgment and order of sentence dated 23.08.2019 be set aside. In this regard, learned counsel referred to the recent decision of the Hon'ble Supreme Court in the case ***Gian Chand Garg Vs. Harpal Singh & Anr.*** passed in **Special Leave To Appeal (CRL.) No. 8050 of 2025** wherein the Hon'ble Supreme Court in its order dated 11.08.2025 held that although dishonour of cheque entails criminal consequence, the legislature by virtue of section 147 of the NI Act has made it compoundable notwithstanding the provisions of the Code of Criminal Procedure, 1973 and the same can be compounded at any stage of the proceedings especially when the parties have themselves



arrived at a voluntary compromise. Thereafter, considering the compromise between the complainant and the convict, the concurrent conviction rendered by the Courts below have been set aside.

8. Learned counsel appearing on behalf of O.P. No. 2 admits the factum of compromise and further admits payment made by the petitioner to the O.P. No. 2 to the tune of Rs. 1,75,000/- towards full and final settlement between the parties.

9. Section 147 of the Negotiable Instruments Act reads as under:-

“147. Offences to be compoundable.—

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be compoundable.”

10. In the present case a compromise deed dated 15.05.2023 has been filed along with supplementary affidavit on behalf of the petitioner. From the compromise deed it appears that the O.P. No. 2 has received payment of Rs. 2,75,000/- which was the original amount given as loan to the petitioner though no specific date has been mentioned regarding the payment of final amount of Rs. 1, 75,000/-. However, learned counsel for the O.P. No. 2 on instructions submits that the payment has been made and received in cash. The compromise



deed is duly signed by the O.P. No. 2 and duly admitted by the learned counsel appearing on behalf of the O.P. No. 2, Satish Kumar. Therefore, in the light of the provision of Negotiable Instruments Act and the decision of Hon'ble Supreme Court rendered in the case of Gian Chand Garg (supra), the present revision petition is allowed and the judgment dated 25.02.2020 and judgment and order of sentence dated 23.08.2019 are set aside.

11. Accordingly, the present revision petition stands allowed.

(Arun Kumar Jha, J)

Siddharth Soni/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2025
Transmission Date	11.11.2025

