

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.873 of 2020
With
I.A. No.5443 of 2021
With
I.A. No.5441 of 2021

Parmila Devi @ Pramila Devi **Petitioner**

Versus

1. The State of Jharkhand
2. Reshmi Devi **Opp. Parties**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner : Mr. Dilip Kr. Chakraverty, Advocate
For the State : Ms. Vandana Bharti, A.P.P
For the O.P. No.02 : Mr. Rakesh Kumar, Advocate

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.

06/Dated: 30th September, 2021

1. Heard learned counsel for the petitioner, learned A.P.P and learned counsel for the O.P. No.02.
2. It has been jointly submitted by the learned counsel for the parties that I.A. No.5441 of 2021 has been filed as joint compromise petition stating therein that the parties have settled their dispute out side the Court and the money has been transacted between the parties and the complainant/ O.P. No.02 has no grievance against the petitioner. I.A. No.5443 of 2021 has been filed for granting exemption to the petitioner from surrender as the matter has been settled out side the court.

It has further been submitted by the learned counsel for the parties that offence in question is compoundable as per Section 147 of the Negotiable Instruments Act, and since the matter has been compromised between the parties and the complainant/ O.P. No.02 has no grievance against the petitioner, as such, the present revision application may be allowed by setting aside the judgment dated 29.09.2020, passed in Cr. Appeal No.126 of 2019, by the court of learned Additional Sessions Judge - IV, Bokaro, and the judgment and order of sentence dated 22.06.2019, passed by the court of

learned Judicial Magistrate, 1st Class, Bokaro, in C. P. Case No.658 of 2017 (T.R. No.278 of 2019), whereby the petitioner has been found guilty and convicted for the offence under Section 138 of the Negotiable Instruments Act, and sentenced to undergo simple imprisonment of one year and to pay the compensation amount of Rs.5,00,000/- (Rupees five lakhs) to the complainant.

3. Considering the arguments of the learned counsel for the parties and the fact that the offence is compoundable as per Section 147 of the N.I. Act and further there is settlement arrived between the parties, accordingly the judgment dated 29.09.2020, passed in Cr. Appeal No.126 of 2019, by the court of learned Additional Sessions Judge - IV, Bokaro, and the judgment and order of sentence dated 22.06.2019, passed by the court of learned Judicial Magistrate, 1st Class, Bokaro, in C. P. Case No.658 of 2017 (T.R. No.278 of 2019), are, hereby, quashed and set aside. The petitioner is exempted from surrendering in the court below and acquitted of the offence under Section 138 of the N.I Act in terms of the compromise entered into between the parties.

4. In the result, the present revision application stands allowed and I.A. Nos.5443 of 2021 & 5441 of 2021 stand disposed off.

(Rajesh Kumar, J.)

Chandan/-