

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.502 of 2019**

**With
I.A. No.9292 of 2020
With
I.A. No.9293 of 2020**

Mangilal Karmkar @ Mangilal Karmka
@ Mangilal Karmakar **Petitioner**

Versus

1. The State of Jharkhand
2. Rajeev Gupta **Opp. Parties**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr. Arun Kumar, Advocate
For the State : Mr. S. K. Srivastava, A.P.P
For the O.P. No.02 : Mr. Shankar Singh, Advocate

05/Dated: 25th June, 2020

1. I.A. No.9292 of 2020 has been filed by way of joint compromise by the petitioner and the O.P. No.02.

2. This revision has been preferred against the judgment dated 25.01.2019, passed in Criminal Appeal No.27 of 2018 by the learned Sessions Judge, West Singhbhum at Chaibasa, affirming the judgment of conviction dated 12.04.2018, of the petitioner, under Section 138 of the Negotiable Instrument Act, by the court of learned Chief Judicial Magistrate, West Singhbhum, in Complaint Case No.116 of 2016 (T.R. No.126 of 2018). The petitioner has been sentenced to undergo S.I of one year and to pay the fine of Rs.1,000/- and to pay the compensation of Rs.20,00,000/- (Rupees Twenty Lakhs only).

Learned counsel for the petitioner has submitted that during the pendency of this revision application, on the intervention of friends, well wishers and relatives, both the parties have amicably settled and compromised the matter. In terms of the settlement the petitioner has paid Rs.19,00,000/- (Rupees Nineteen lakhs only) to O.P. No.02 in cash, and by cheques.

Accordingly, prayer has been made to quash and set aside the judgments of the courts below.

3. Learned counsel appearing on behalf of O.P. No.02 has admitted that O.P. No.02 has amicably settled the matter on payment of Rs.19,00,000/- (Rupees Nineteen lakhs only). It is

submitted that O.P. No.2's grievance has been redressed and he does not want to proceed further with the prosecution of the case.

4. Heard. Considering the fact that both the parties have amicably settled the matter and O.P. No.02 has received an amount of Rs.19,00,000/- as per settlement. Since the offence under Section 138 of the N. I. Act is compoundable in nature, as such, the compromise is allowed. In view of the amicable settlement arrived at by the parties, the continuation of further proceeding in the case shall only be an exercise in futility leading to wastage of time and an abuse of the process of Court. Thus, in view of the joint compromise filed by the parties and in the interest of justice, the judgment dated 25.01.2019, passed in Criminal Appeal No.27 of 2018 by the learned Sessions Judge, West Singhbhum at Chaibasa, and the judgment dated 12.04.2018 passed by the learned Judicial Magistrate, West Singhbhum in Complaint Case No.116 of 2016 (T.R. No.126 of 2018), are, hereby, quashed and set aside,

5. In the result, the petitioner is acquitted of the offence under Section 138 of the N.I Act in terms of the joint compromise.

6. In view of the final order passed in this revision I.A. No.9293 of 2019 stand disposed off.

(AMITAV K. GUPTA, J.)

Chandan-Rohit/-