

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE RAMKUMAR CHOUBEY

ON THE 13th OF AUGUST, 2025

CRIMINAL REVISION NO.3696/2025

CHANDRABHAN PATEL

VS.

ASHARAM YADAV

Appearance:

Applicant by Shri Sandeep Mahawar – Advocate.

Respondent by Shri S.K. Shah – Advocate.

ORDER

This criminal revision u/s 397/401 of Cr.P.C r/w 438/442 of the Bhartiya Nagarik Suraksha Sanhita, 2023. has been filed by the applicant against judgment dated 25.11.2024 passed by 6th Additional Sessions Judge, Damoh in Criminal Appeal No.26/2024 arising out of order dated 23.01.2024 passed by JMFC, District Damoh in SC NIA No.198/2022, whereby the applicant has been convicted for offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo R.I. for three months and compensation of Rs.1,15,000/- with default stipulations.

2. As per prosecution case, the respondent/complainant and the applicant have friendly relations. The applicant contacted the

complainant and borrowed Rs.1.05 Lakh as loan for family needs, in lieu thereof, the applicant has given a cheque bearing No.062278 drawn at IDBI Bank, dated 15.05.2022. When the complainant presented the said cheque in his account at State Bank of India, Hindoriya, it got dishonoured due to insufficient funds. Therefore, the complainant lodged a complaint under Section 138 of NI Act against the applicant.

3. The trial Court vide judgment dated 23.01.2024 found the applicant guilty and convicted him for offence under Section 138 of NI Act and sentenced to undergo R.I. for three months and compensation of Rs.1,15,000/- with default stipulations.

4. The applicant being aggrieved with the judgment of the trial Court preferred an appeal before the lower appellate Court, which has affirmed the judgment of conviction and order of sentence of the applicant. Hence, the applicant preferred instant revision.

5. During the pendency of this revision, the parties have arrived at a compromise and, therefore, this Court vide order-sheet dated 13.08.2025 directed the parties to personally appear before the Registrar Judicial of this Court for verification of their compromise.

6. In compliance of aforesaid order, the complainant Asharam Yadav stated that the parties have amicably settled the dispute *ex curiae* and he has no objection if the applicant is acquitted of the charge levelled against him. He further stated that he has entered into the compromise out of his own volition and without any compulsion. However, the Registrar (Judicial-II) has pointed out that the applicant is required to deposit 15% of cheque amount towards compounding fee in view of decision of in the case of ***Damodar S.Prabhu Vs. Sayed Babalal H***, (2010) 5 SCC 663.

7. In **Damodardas S. Prabhu (supra)**, the Supreme Court has directed that if the application for compounding is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs. Further, it has been held that the competent court can of course reduce the costs with regard to the specific facts and circumstances of a case, while recording reasons in writing for such variance. Bona fide litigants should of course contest the proceedings to their logical end.

8. Learned counsel for the applicant submitted that the applicant is in jail and he is ready to pay any further amount, as directed by this Court towards the costs. The respondent appeared in person before the Court and submitted through counsel that he is willing to compound the offence as per their settlement arrived at outside the court.

9. In view of the aforesaid peculiar facts and circumstances of the case, the applicant is directed to deposit 5% of cheque amount i.e. Rs.5,250/- towards costs before the trial Court within a period of 15 days from today. If the applicant deposits aforesaid amount within the stipulated time, he shall be released from jail forthwith if his custody is not required in connection with any other case. In view of aforesaid compromise, it is made clear that this order would have the effect of acquittal under Section 320(8) of the Cr.P.C. and, therefore, the applicant is acquitted from offence under Section 138 of the Negotiable Instruments Act.

10. The revision is accordingly disposed of. Let a copy of this order be kept in the records of the courts below. The original records be sent back to the concerned courts.

(RAMKUMAR CHOUBEY)
JUDGE