HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 1092/2024
CNR: RJHC020551972024 | URN: CRLR / 1959U / 2024

Sheojiram Leel S/o Shri Kanaram Leel, Aged About 41 Years, Resident Of Village 34, Leelo Ki Dhani, Mohanpura, Ahead Of Patrakar Colony, Muhana Road, Mansarovar, Jaipur.

----Accused Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Khiladi Saini S/o Shri Bihari Lal Saini, Aged Adult, Resident 0F Radha Nikunj, Iskon Road, Vijay Path, Mansarovar, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Kapil Gupta, Advocate
For Respondent(s)	:	Mr. Jitendra Singh Rathore, Addl. GA Mr. Surendra Singh, Advocate

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HON'BLE MR. JUSTICE BHUWAN GOYAL

Judgment

10/09/2026

By way of present revision petition under Section 397 readwith Section 401 CrPC, the petitioner has challenged the Judgment and order dated 24.6.2024 passed by Addl. Sessions Judge, No.1, Jaipur Metropolitan - Ist (for short, 'the appellate court') in Criminal Regular Appeal No. 39/2023 (CIS No. 620/2023) (Shyoji Ram Leel Versus Khiladi Saini), whereby the appeal preferred by the accused-petitioner has been dismissed and the Judgment and order dated 27.9.2023 passed by Special Metropolitan Magistrate (N.I. Act Cases) No.7, Jaipur Metropolitan- Ist (for short, 'the trial court') in Criminal Case No. 867/2015 (Khiladi Saini Versus Shyoji Ram Leel)

convicting the accused-petitioner for the offence under Section 138 of the Negotiable Instrument Act, 1881 and sentencing him to undergo 2 years' simple imprisonment and to pay a compensation of Rs. 45,00,000/-; in default whereof, to further undergo 6 months' simple imprisonment, has been affirmed.

At the very out-set, learned counsel for the petitioner has submitted that both the parties have entered into compromise, in furtherance of which the amount has been received by the respondent-complainant. The petitioner has filed an application No. 1/2026 for taking the compromise on record. The original compromise, duly signed by both the parties, has been annexed with the application. He has, therefore, prayed that the application may be allowed, original compromise may be taken on record and on the basis of compromise, the revision petition may also be allowed and the judgments passed by the courts below may be set aside.

Learned counsel for the respondent-complainant has not disputed the fact of compromise arrived at between the parties. He, on instructions, of the respondent-complainant has submitted that in furtherance of the compromise, the amount has already been received by the respondent-complainant and he does not want any further proceeding in this matter. He has, thus, submitted that the respondent-complainant has no objection, if the application is allowed, original compromise is taken on record and revision petition is also allowed on the basis of compromise.

Today, the petitioner as well as the respondent complainant both are present in person before this Court. Their presence has been marked in the file, their signature have been obtained on the Court's file and they have been identified by their respective counsel.

Learned counsel for the petitioner has made oral prayer for grant of exemption to the petitioner from depositing the cost. He has submitted that the petitioner is a poor person, who is facing financial crisis. On account of his poor economic condition, the petitioner has anyhow arranged the money and paid to the complainant in view of the compromise. He has also submitted that if any cost is imposed on the petitioner in relation to the compromise, it would cause extreme hardship to the petitioner. He has, thus, prayed to grant exemption to the petitioner from depositing the cost.

I have given my thoughtful consideration to the submissions advanced at bar and have gone through material available on record.

From perusal of record, it reveals that both the parties have amicably settled their dispute and entered into compromise, in furtherance of which, entire money has been paid by the accused-petitioner to the respondent-complainant and the petitioner as well as the respondent-complainant expressed their desire that this revision petition may be decided in the light of the compromise.

As per Section 147 of the N.I. Act, offence under Section 138 of the N.I. Act is compoundable, therefore, this Court is of the opinion that it would be just and proper to dispose of the revision petition on the basis of compromise. Further, looking to the poor financial condition of the accused petitioner, this Court finds that it would be just and proper to grant exemption to the petitioner from depositing the cost.

Consequently, the application is allowed and the original compromise duly signed by both the parties is taken on record. Further, in view of compromise arrived at between the parties, the

present revision petition is also allowed and the judgment and order dated 24.6.2024 passed by the appellate court and the judgment and order dated 27.9.2023 passed by the trial court are quashed and set aside. The offence under Section 138 of the NI Act is compounded and accused-petitioner is acquitted of offence under Section 138 of Negotiable Instruments Act, 1881 on the basis of compromise. The petitioner is also exempted from depositing the cost.

The petitioner is already on bail. He need not to surrender. His bail bonds are cancelled.

The petitioner is directed to furnish a fresh personal bond in the sum of Rs.50,000/- and a surety bond in the like amount in accordance with provisions of Section 481 of BNSS before the concerned trial court within four weeks from the date of his release, to the effect that in the event of filing of special leave petition against this judgment/order or on grant of leave, the petitioner, on receipt of notice thereof, shall appear before the Hon'ble Supreme Court. The bail bonds will be effective for a period of six months.

Pending applications, if any, also stand disposed of.

A copy of this order be sent to the trial court forthwith.

(BHUWAN GOYAL),J

67/DK