HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 1661/2026
CNR: RJHC020838352026 | URN: CRLR / 3035U / 2026

Maliram Son Of Mangalchand, Aged About 40 Years, Resident Of Shri Honda Care Police Chowki Ke Pass, Kumhar Basti Ke Samne, Road No. 17, VKI Area, Jaipur, and Through Shri Hero Motors, Dhawli Bus Stand, Tehsi Shahpura, District Jaipur.
(Petitioner is Confined in Central Jail, Jaipur)

----Petitioner

Versus

1. The State Of Rajasthan, Through The Public Prosecutor.
2. Radhaswami Auto Parts, Plot No. 32, Beninagar, Road No. 17, VKI Area, Jaipur, Through Its Proprietor- Babulal.

----Respondents

For Petitioner(s)	:	Mr. Amitabh Verma, Advocate Ms. Divisha Misra, Advocate
For Respondent(s)	:	Mr. Om Prakash Saini, Advocate Mr. Vivek Choudhary, PP)

HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

08/09/2026

1. The present revision petition under Section 438 read with Section 442 of BNSS has been filed by the accused-petitioner Maliram against the Judgment and Order dated 6.8.2026 passed by Special Judge, (Fake Currency Cases), Jaipur Metropolitan-I (hereinafter referred to as "appellate court") in Criminal Appeal No. 25/2024 (CIS No. 710/2024) (Mali Ram Versus State of Rajasthan & Anr.) vide which the criminal appeal filed by the accused petitioner has been dismissed and the judgment and order dated 5.11.2024 passed by Special Judicial Magistrate, (NI Act Cases) No.13, Jaipur Metropolitan-I (hereinafter referred to as

"trial court") in regular criminal case No. 5755/2022 (CIS No. 62159/2029) convicting the petitioner for the offence under Section 138 of the Negotiable Instrument Act, 1881 and sentencing him to undergo 1 year's simple imprisonment with a fine of Rs. 3,90,000/-; in default of payment of fine, to further undergo 2 months' simple imprisonment, has been affirmed.

2. At the very out-set, learned counsel for the petitioner has submitted that both the parties have entered into compromise, in furtherance of which, entire cheque amount has been received by the respondent-complainant. The original compromise duly signed by the respondent has been annexed with the petition. He has, therefore, prayed that the revision petition may also be allowed and the judgments passed by the courts below may be set aside.

3. 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, entire cheque 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 impugned judgments and orders are set-aside and the revision petition is also allowed on the basis of compromise.

4. Today, the respondent complainant is present in person before this Court. His presence has been marked in the file, His signature has been obtained and he has been identified by his counsel.

5. 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.

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

7. From perusal of record, it reveals that both the parties have amicably settled their dispute and in furtherance of which, entire cheque amount 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.

8. 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.

9. Consequently, in view of compromise arrived at between the parties, the present revision petition is allowed and the judgments and orders dated 6.8.2026 and 5.11.2024 passed by the courts below 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.

10. Since the petitioner is presently confined in jail, the jail authorities are directed to release the accused-petitioner from jail forthwith, if he is not required in any other case.

11. The petitioner is directed to furnish a 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.

12. Office is directed to send release order along with a copy of this order to the concerned Jail Superintendent for compliance immediately. A copy of this order along with records be also sent to the trial court forthwith.

13. Since the revision petition has been allowed on the basis of compromise, no order is required to be passed on the suspension of sentence application and the same stands disposed of accordingly.

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

(BHUWAN GOYAL),J

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