

Sudha Devi Vs. State of Jharkhand and anr

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Court : Jharkhand

Decided On : Sep-17-2012

Appellant : Sudha Devi

Respondent : State of Jharkhand and anr

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Revision No. 120 of 2012 with I. A. No. 1093 of 2012 Sudha Devi Petitioner Versus The State of Jharkhand & Another .. Opposite Parties ----- CORAM : HONBLE MR. JUSTICE H. C. MISHRA ----- For the Petitioner : Mr. P.K. Nayak, Advocate For the State : A.P.P. For the O.P. No.2 : Mr. Rajeev Anand, Advocate ----- 3/ 17.09.2012 Heard learned counsel for the petitioner and learned A.P.P. for the State, as also learned counsel for the complainant opposite party No.2. This revision has been filed against the Judgment and Order dated 18.6.2008 passed by Sri Amit Shekhar, learned Judicial Magistrate 1st Class, Ranchi, in Complaint Case No. 255 of 2003] T.R. No. 1114 of 2008, whereby the petitioner was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act. The conviction and sentence of the petitioner were upheld by the learned Appellate Court below by Judgment dated 16.1.2012 passed by learned Additional Sessions Judge-V, Ranchi, in Criminal Appeal No. 83 of 2008. I.A. No. 1093 of 2012 has been filed jointly by the parties submitting that the case has since been compromised between the parties out of the Court and the matter has been settled between the parties for Rs. 1,90,000/- (rupees one lakh and ninety-thousand only) apart from the litigation cost of Rs. 5,000/- (rupees five thousand only), which has already

been paid to the opposite party No.

2. The said application has been affidavited by the petitioner as well as the complainant opposite party No.

2. Learned counsel for the opposite party No. 2 has accepted the compromise between the parties. Learned counsel for the petitioner has handed over a demand draft for Rs. 1,90,000/- to the learned counsel for the opposite party No.2 in this Court. -2- In view of the aforementioned facts and circumstances, as also in view of the fact that offence under Section 138 of the N.I. Act is compoundable in nature, the offence is allowed to be compounded. Accordingly, the Judgment of conviction and Order of sentence dated 18.6.2008 passed by Sri Amit Shekhar, learned Judicial Magistrate, 1st Class, Ranchi, in Complaint Case No. 255 of 2003[T.R. No. 1114 of 2008, as also, the Judgment passed by learned Additional Sessions Judge-V, Ranchi, on 16.1.2012 in Criminal Appeal No. 83 of 2008, are hereby, set aside on the basis of the compounding of the offence. Consequently, the petitioner is acquitted of the charge and she is discharged from the liabilities of her bail bond. This criminal revision as well as the aforesaid interlocutory application stand allowed. (H. C. Mishra, J.) R.Kr.

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