

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.270 of 2025

Arising Out of PS. Case No.-1566 Year-2015 Thana- SARAN COMPLAINT CASE District-
Saran

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Pramod Kumar, Singh son of Late Mohan Singh @ Mohan Prasad Singh,
Resident of Village Bahrauli, P.S. Mashrakh, District - Saran at Chapra
(Bihar) at present residing at Mohallah Prabhunath Nagar, P.S. - Chapra
Muffasil, District - Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanhaiya Prasad Singh, Son of Late Babban Prasad Singh, Resident of
village - Dumaigarh, P.S.- Manjhi, District - Saran at Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dewendra Narayan Singh, Advocate
For the Respondent/s	:	Mr.Jagdhar Prasad, APP
For the O.P. No. 2	:	Mr. Dewanand Tiwari, Advocate Mr. Amresh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 06-08-2025 The instant criminal revision is directed against an

judgement and order of affirmation of conviction and sentence

passed by the learned Judicial Magistrate 1st Class, Saran at

Chapra in Complaint Case No. 1566 of 2015 on 25th of April,

2024. The criminal appeal filed by the petitioner was dismissed

on contest on 21st of January, 2025. The concurrent finding of

both the Courts below is under challenge in the instant revision.

2 .It appears from the record that notice was duly

served on the Opposite Party No. 2 and he is represented by Mr.

Dewanand Tiwari and Mr. Amresh Kumar Sinha, learned



Advocates for the Opposite Party No. 2. When the instant revision is taken up for hearing, the learned Advocates for the opposite parties are found absent.

3. The learned Advocate for the petitioner refers to Annexure P2 of the instant revision, which is an application for amicable settlement and compromise on payment of Rs. 10 Lakhs to the opposite party by the petitioner as directed by the Trial Court and affirmed by the Appellate Court, filed on 5th of March, 2025, before the learned Judicial Magistrate, Saran, at Chapra. The learned Judicial Magistrate did not pass any order, as she was functus officio after disposal of Complaint Case No. 1566 of 2015. The said application was filed even after disposal of Criminal Appeal No. 4 of 2024 on 21st of January, 2025. However, by virtue of Amendment Act 55 of 2002 w.e.f. 6th of February, 2023, a provision in Section 147 of the Negotiable Instruments Act has been incorporated, making an offence under Section 138 of the Negotiable Instruments Act compoundable. The dispute between the parties has been settled on payment of compensation of Rs. 10 Lakhs as directed by the Trial Court. The said application would not be taken up for disposal by any of the courts below, as both the trial of the case and appeal were disposed of, and the dispute was compounded after disposal of



the appeal.

4. Since compounding of an offence is a right of the accused, and it is submitted by the learned Advocate for the petitioner that the petitioner has already paid a sum of Rs. 10 lakhs to the opposite party, I am inclined to set aside the order passed in appeal by the learned Additional Sessions Judge, XII, Saran at Chapra, in Criminal Appeal No. 4 of 2024. The appellate court is further directed to take up the joint application filed by both parties on 5th March, 2025, before the Trial Court.

5. The appellate court shall be at liberty to examine both parties to ascertain whether the offence has been compounded. If it is found to have been compounded, the learned appellate court shall be at liberty to pass an appropriate order under Section 147 of the N.I. Act

6. With the above order, the instant revision is disposed of.

(Bibek Chaudhuri, J)

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