

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

Cr. Revision No. 73 of 2026

Decided on :02.02.2026

Anil Kumar

.....Petitioner

Versus

H.P. Gramin Bank

....Respondent

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Vacation Judge

¹ *Whether approved for reporting?*

For the petitioner: Mr. Prashant Sharma, Advocate,
vice Mr. Ashok K. Tyagi, Advocate.

For the respondent Mr. K.B.Khajuria, Advocate.

Jiya Lal Bhardwaj, Vacation Judge(Oral)

Notice. Mr. K.B Khajuria, learned Standing Counsel appears and waives service of notice on behalf of the respondent.

2. By way of present revision petition, the petitioner has laid challenge to the judgment dated 21.01.2026 passed by learned Sessions Judge, Sirmour District at Nahan, H.P., in Criminal Appeal No. 102-Cr.A/10 of 2025, whereby the judgment of conviction dated 27.08.2025 and order of sentence dated 28.08.2025 passed by the learned Chief Judicial Magistrate, Nahan, District Sirmaur, H.P in Complaint

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

No. 15/3 of 2023, titled as **Himachal Pradesh Gramin Bank versus Anil Kumar**, has been affirmed.

3. The respondent had filed a complaint under Section 138 of the Negotiable Instruments Act 1881 for dis-honour of cheque bearing No. 396281, dated 15.11.2022 amounting to Rs. 1,95,000/-.

4. Learned trial Court vide judgment dated 27.08.2025 had convicted the petitioner under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period six months and further directed him to pay Rs. 2,30,000/- as fine amount to be paid to the complainant/respondent as compensation.

5. After passing of judgment dated 21.01.2026 in appeal, the petitioner has deposited a sum of Rs.1,62,000/- on the same day with the Bank, as is evident from perusal of Annexure A-1 (page 59) as full and final settlement of the loan amount by way of 'One Time Settlement' and in this regard, the respondent-bank has also issued 'No Due Certificate' (NOC) dated 30.01.2026 in favour of the petitioner, as is evident from Annexure A-2 (Page-60).

6. Since the respondent-Bank has received the

amount due, which was the subject matter of the complaint, the respondent-bank has no objection in case the judgment of conviction dated 27.08.2025 and order of sentence dated 28.08.2025, passed by learned trial Court and affirmed by the learned Appellate Court is quashed and set aside.

7. The petitioner has also filed an application under Section 147 of the Negotiable Instruments Act, being **Cr.MP No. 419 of 2026**, for compounding the offence under Section 138 of The Negotiable Instruments Act in view of the fact that the dispute between the petitioner and respondent-Bank has been resolved and further the petitioner has paid the entire amount to the respondent-Bank and prayed that in the interest of justice and in view of the settlement being arrived at between the parties in the lis, the judgment of conviction dated 27.08.2025 and order of sentence dated 28.08.2025, passed by learned trial Court imposed upon the petitioner may be quashed and set aside.

8. Learned counsel representing respondent-Bank has no objection in case the judgment of conviction and sentence imposed upon the petitioner is quashed and set aside.

9. Therefore, keeping in view the above, coupled with the fact that the interest of the respondent-Bank has been duly met and furthermore the respondent-Bank has issued the No Objection Certificate as mentioned above, the judgment of conviction dated 27.08.2025 and order of sentence dated 28.08.2025, passed by learned trial Court in complaint No.15/3 of 2023 titled, **Himachal Pradesh Gramin Bank versus Anil Kumar**, are quashed and set aside with a condition that the petitioner shall deposit 10% of the cheque amount with the H.P. State Legal Services Authority, Shimla, H.P within four weeks from today. In case the amount is not deposited on or before 03.03.2026, the judgment of conviction dated 27.08.2025 and order of sentence dated 28.08.2025, passed by learned trial shall stand revived.

10 Consequently, the present petition is allowed and disposed of accordingly so also the pending miscellaneous application(s), if any.

February 02, 2026
[G.M.]

(Jiya Lal Bhardwaj)
Vacation Judge

