

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Criminal Revision No. 524 of 2025 with****Cr. Revision Nos.525, 526, 528,****529, 530 and 531 of 2025****Date of Decision: 07.08.2026****1. Cr. Revision No.524 of 2025**

Ankush RanaPetitioner

Versus

M/ Arsai Beverages Private Limited ... Respondent**2. Cr. Revision No.525 of 2025**

Ankush RanaPetitioner

Versus

M/ Arsai Beverages Private Limited ... Respondent**3. Cr. Revision No.526 of 2025**

Ankush RanaPetitioner

Versus

M/ Arsai Beverages Private Limited ... Respondent**4. Cr. Revision No.528 of 2025**

Ankush RanaPetitioner

Versus

M/ Arsai Beverages Private Limited ... Respondent**5. Cr. Revision No.529 of 2025**

Ankush RanaPetitioner

Versus

M/ Arsai Beverages Private Limited ... Respondent

6. Cr. Revision No.530 of 2025

Ankush RanaPetitioner

Versus

M/ Arsai Beverages Private Limited ... Respondent

7. Cr. Revision No.531 of 2025

Ankush RanaPetitioner

Versus

M/ Arsai Beverages Private Limited ... Respondent

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.Whether approved for reporting? ¹**For the Petitioner(s):** Mr. Pranjal Munjal and Mr. Harshit Sharma, Advocates.**For the Respondent(s):** Mr. Tarun K. Sharma, Advocate, for the respondent/Complainant.

Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Sandeep Sharma, Judge(oral):**Criminal Revision No. 524 of 2025**

Instant Criminal Revision Petition filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, lays challenge to judgment dated 31.07.2025, passed by learned Sessions Judge, Hamirpur, District Hamirpur, Himachal Pradesh, in Criminal Appeal No.54 of 2025, affirming judgment of conviction and order of

¹ Whether the reporters of the local papers may be allowed to see the judgment?

sentence dated 13.03.2025, passed by learned Judicial Magistrate, First Class, Court No. IV, Hamirpur, Himachal Pradesh, in Criminal Complaint No.21-I/2024(CIS Reg. No.78 of 2024), titled as **M/s Arsai Beverages Private Limited vs. Ankush Rana**, whereby learned trial Court, while holding the petitioner-accused (*hereinafter, 'accused'*) guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act, (**for short 'Act'**) convicted and sentenced him to undergo simple imprisonment for a period of three months and pay fine to the tune of Rs.14,000/- to the respondent-complainant (*hereinafter, 'complainant'*).

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record, are that the respondent-complainant instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque bearing No.389015, dated 01.02.2024, amounting to Rs. 13,300/- of Punjab National Bank, Daruhi, having been issued by the petitioner-accused towards discharge of his lawful liability was dishonoured on account of insufficient funds in the bank account of the accused. Since, despite having received legal notice, accused failed to make the payment good well within stipulated time, complainant was compelled to initiate proceedings under Section 138 of the Act in the competent Court of law, which subsequently on the basis of evidence

adduced on record by the respective parties, held the accused guilty of having committed offence punishable under S. 138 of Act and accordingly convicted and sentenced him, as per description given herein above.

Criminal Revision No. 525 of 2025

3. Instant Criminal Revision Petition filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, lays challenge to judgment dated 31.07.2025, passed by learned Sessions Judge, Hamirpur, District Hamirpur, Himachal Pradesh, in Criminal Appeal No.55 of 2025, affirming judgment of conviction and order of sentence dated 24.03.2025, passed by learned Judicial Magistrate, First Class, Court No. IV, Hamirpur, Himachal Pradesh, in Criminal Complaint No.18-I/2024(CIS Reg. No.75 of 2024), titled as **M/s Arsai Beverages Private Limited vs. Ankush Rana**, whereby learned trial Court, while holding the petitioner-accused (*hereinafter, 'accused'*) guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act, (**for short 'Act'**) convicted and sentenced him to undergo simple imprisonment for a period of one month and pay fine to the tune of Rs.6000/- to the respondent-complainant (*hereinafter, 'complainant'*).

4. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record, are that the

respondent-complainant instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque bearing No.389016, dated 01.02.2024, amounting to Rs. 6630/- of Punjab National Bank, Daruhi, having been issued by the petitioner-accused towards discharge of his lawful liability was dishonoured on account of insufficient funds in the bank account of the accused. Since, despite having received legal notice, accused failed to make the payment good well within stipulated time, complainant was compelled to initiate proceedings under Section 138 of the Act in the competent Court of law, which subsequently on the basis of evidence adduced on record by the respective parties, held the accused guilty of having committed offence punishable under S. 138 of Act and accordingly convicted and sentenced him, as per description given herein above.

Criminal Revision No. 526 of 2025

5. Instant Criminal Revision Petition filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, lays challenge to judgment dated 31.07.2025, passed by learned Sessions Judge, Hamirpur, District Hamirpur, Himachal Pradesh, in Criminal Appeal No.56 of 2025, affirming judgment of conviction and order of sentence dated 13.03.2025, passed by learned Judicial Magistrate, First Class, Court No. IV, Hamirpur, Himachal Pradesh, in Criminal

Complaint No.22-I/2024(CIS Reg. No.79 of 2024), titled as **M/s Arsai Beverages Private Limited vs. Ankush Rana**, whereby learned trial Court, while holding the petitioner-accused (*hereinafter, 'accused'*) guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act, (**for short 'Act'**) convicted and sentenced him to undergo simple imprisonment for a period of two months and pay fine to the tune of Rs.22000/- to the respondent-complainant (*hereinafter, 'complainant'*).

6. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record, are that the respondent-complainant instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque bearing No.389013, dated 01.02.2024, amounting to Rs. 21,250/- of Punjab National Bank, Daruhi, having been issued by the petitioner-accused towards discharge of his lawful liability was dishonoured on account of insufficient funds in the bank account of the accused. Since, despite having received legal notice, accused failed to make the payment good well within stipulated time, complainant was compelled to initiate proceedings under Section 138 of the Act in the competent Court of law, which subsequently on the basis of evidence adduced on record by the respective parties, held the accused guilty of having committed offence punishable under S. 138 of Act and

accordingly convicted and sentenced him, as per description given herein above.

Criminal Revision No. 528 of 2025

7. Instant Criminal Revision Petition filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, lays challenge to judgment dated 31.07.2025, passed by learned Sessions Judge, Hamirpur, District Hamirpur, Himachal Pradesh, in Criminal Appeal No.51 of 2025, affirming judgment of conviction and order of sentence dated 13.03.2025, passed by learned Judicial Magistrate, First Class, Court No. IV, Hamirpur, Himachal Pradesh, in Criminal Complaint No.20-I/2024(CIS Reg. No.77 of 2024), titled as **M/s Arsai Beverages Private Limited vs. Ankush Rana**, whereby learned trial Court, while holding the petitioner-accused (*hereinafter, 'accused'*) guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act, (**for short 'Act'**) convicted and sentenced him to undergo simple imprisonment for a period of two months and pay fine to the tune of Rs.22000/- to the respondent-complainant (*hereinafter, 'complainant'*).

8. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record, are that the respondent-complainant instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque

bearing No.389014, dated 01.02.2024, amounting to Rs. 21,250/- of Punjab National Bank, Daruhi, having been issued by the petitioner-accused towards discharge of his lawful liability was dishonoured on account of insufficient funds in the bank account of the accused. Since, despite having received legal notice, accused failed to make the payment good well within stipulated time, complainant was compelled to initiate proceedings under Section 138 of the Act in the competent Court of law, which subsequently on the basis of evidence adduced on record by the respective parties, held the accused guilty of having committed offence punishable under S. 138 of Act and accordingly convicted and sentenced him, as per description given herein above.

Cr. Revision No. 529 of 2025

9. Instant Criminal Revision Petition filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, lays challenge to judgment dated 31.07.2025, passed by learned Sessions Judge, Hamirpur, District Hamirpur, Himachal Pradesh, in Criminal Appeal No.57 of 2025, affirming judgment of conviction and order of sentence dated 24. 03.2025, passed by learned Judicial Magistrate, First Class, Court No. IV, Hamirpur, Himachal Pradesh, in Criminal Complaint No.17-I/2024(CIS Reg. No.77 of 2024), titled as **M/s Arsai Beverages Private Limited vs. Ankush Rana**, whereby learned trial

Court, while holding the petitioner-accused (***hereinafter, 'accused'***) guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act, (***for short 'Act'***) convicted and sentenced him to undergo simple imprisonment for a period of three months and pay fine to the tune of Rs.51000/- to the respondent-complainant (***hereinafter, 'complainant'***).

10. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record, are that the respondent-complainant instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque bearing No.389010, dated 01.02.2024, amounting to Rs. 49,120/- of Punjab National Bank, Daruhi, having been issued by the petitioner-accused towards discharge of his lawful liability was dishonoured on account of insufficient funds in the bank account of the accused. Since, despite having received legal notice, accused failed to make the payment good well within stipulated time, complainant was compelled to initiate proceedings under Section 138 of the Act in the competent Court of law, which subsequently on the basis of evidence adduced on record by the respective parties, held the accused guilty of having committed offence punishable under S. 138 of Act and accordingly convicted and sentenced him, as per description given herein above.

Criminal Revision No.530 of 2025

11. Instant Criminal Revision Petition filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, lays challenge to judgment dated 31.07.2025, passed by learned Sessions Judge, Hamirpur, District Hamirpur, Himachal Pradesh, in Criminal Appeal No.52 of 2025, affirming judgment of conviction and order of sentence dated 13. 03.2025, passed by learned Judicial Magistrate, First Class, Court No. IV, Hamirpur, Himachal Pradesh, in Criminal Complaint No.19-I/2024(CIS Reg. No.76 of 2024), titled as **M/s Arsai Beverages Private Limited vs. Ankush Rana**, whereby learned trial Court, while holding the petitioner-accused (*hereinafter, 'accused'*) guilty of having committed offence punishable under Section 138 of the Negotiable Instruments Act, (**for short 'Act'**) convicted and sentenced him to undergo simple imprisonment for a period of three months and pay fine to the tune of Rs.44000/- to the respondent-complainant (*hereinafter, 'complainant'*).

12. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record, are that the respondent-complainant instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque bearing No.389011, dated 07.11.2023, amounting to Rs. 41,702/- of Punjab National Bank, Daruhi, having been issued by the petitioner-

accused towards discharge of his lawful liability was dishonoured on account of insufficient funds in the bank account of the accused. Since, despite having received legal notice, accused failed to make the payment good well within stipulated time, complainant was compelled to initiate proceedings under Section 138 of the Act in the competent Court of law, which subsequently on the basis of evidence adduced on record by the respective parties, held the accused guilty of having committed offence punishable under S. 138 of Act and accordingly convicted and sentenced him, as per description given herein above.

Criminal Revision No.531 of 2025

13. Instant Criminal Revision Petition filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, lays challenge to judgment dated 31.07.2025, passed by learned Sessions Judge, Hamirpur, District Hamirpur, Himachal Pradesh, in Criminal Appeal No.50 of 2025, affirming judgment of conviction and order of sentence dated 13. 03.2025, passed by learned Judicial Magistrate, First Class, Court No. IV, Hamirpur, Himachal Pradesh, in Criminal Complaint No.16-I/2024(CIS Reg. No.73 of 2024), titled as **M/s Arsai Beverages Private Limited vs. Ankush Rana**, whereby learned trial Court, while holding the petitioner-accused (*hereinafter, 'accused'*) guilty of having committed offence punishable under Section 138 of

the Negotiable Instruments Act, **(for short 'Act')** convicted and sentenced him to undergo simple imprisonment for a period of two months and pay fine to the tune of Rs.8000/- to the respondent-complainant (***hereinafter, 'complainant'***).

14. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record, are that the respondent-complainant instituted a complaint under Section 138 of the Act in the competent Court of law, alleging therein that cheque bearing No.389012, dated 01.02.2024, amounting to Rs. 8500/- of Punjab National Bank, Daruhi, having been issued by the petitioner-accused towards discharge of his lawful liability was dishonoured on account of insufficient funds in the bank account of the accused. Since, despite having received legal notice, accused failed to make the payment good well within stipulated time, complainant was compelled to initiate proceedings under Section 138 of the Act in the competent Court of law, which subsequently on the basis of evidence adduced on record by the respective parties, held the accused guilty of having committed offence punishable under S. 138 of Act and accordingly convicted and sentenced him, as per description given herein above.

15. Though, being aggrieved and dissatisfied with aforesaid judgments of conviction and orders of sentence passed by learned trial Court, accused preferred appeals in the Court of learned Sessions Judge, Hamirpur, District Hamirpur, H.P, but same were dismissed vide judgments dated 31.07.2025. In the aforesaid background, petitioner-accused has approached this Court in the instant proceedings, praying therein for his acquittal after setting aside judgments of conviction and order of sentence passed by learned trial Court as well as Appellate Court.

16. Vide order(s) dated 12.09.2025, this Court suspended the substantive sentence imposed upon the accused by learned trial Court, subject to the petitioner-accused depositing 30% of the compensation amount and furnishing bail bonds in the sum of Rs. 50,000/-, with one surety of the like amount to the satisfaction of learned trial Court. Aforesaid order(s) has been duly complied with.

17. Before the cases at hand could be heard and decided on their own merit, petitioner has entered into the compromise with the respondent/Complainant, whereby they have resolved to settle their dispute amicably *interse* them.

18. Today, during the proceedings of the case, learned counsel representing the petitioner states that the petitioner has entered into the compromise with the respondent-complainant,

whereby they have resolved to settle their dispute amicably. He stated that as per the compromise, sum of Rs. 1, 50,000/- in cash(in all the cases) has been paid today in the open Court to learned counsel for the respondent/complainant for further handing over the same to the respondent/complainant. He states that since entire amount of the compensation has been paid to the respondent-complainant, this Court, while exercising power under Section 147 of the Act, may proceed to compound the offence.

19. Mr. Tarun K. Sharma, learned counsel representing respondent-complainant, while fairly acknowledging factum with regard to compromise arrived *interse* parties, states that since entire compensation amount has been received by the respondent-complainant, this Court may allow the prayer made on behalf of the petitioner-accused for compounding of the offence.

20. Though, no application under Section 147 of the Act has been filed by the petitioner for compounding the offence, however, this Court has sufficient power to compound the offence under Section 147 of the Act, especially when the complainant is ready and willing for the same, as has been fairly stated by the learned counsel for respondent- complainant.

21. Having taken note of the fact that entire amount of compensation has been paid to the respondent-complainant and

respondent-complainant has no objection in compounding the offence, this Court sees no impediment in accepting the prayer made on behalf of the petitioner for compounding of offence, while exercising power under Section 147 of the Act as well as in terms of guidelines issued by the Hon'ble Apex Court *in Damodar S. Prabhu V. Sayed Babalal H. (2010) 5 SCC 663*, wherein it has been categorically held that court, while exercising power under Section 147 of the Act, can proceed to compound the offence even after recording of conviction.

22. Consequently, in view of the above, present matters are ordered to be compounded and impugned judgments of conviction and order of sentence passed by learned trial Court as well as Appellate Court are set-aside and the petitioner-accused is acquitted of the charge framed against her under Section 138 of the Act. Bail bonds, if any, are discharged. Interim order(s), if any, is vacated.

23. Since complainant was compelled to engage in unwarranted litigation with the accused for realization of his own amount, petitioner-accused is directed to pay sum of Rs. 10,000/- as litigation charges to the respondent-complainant and deposit Rs. 5000/- with the H.P. State Legal Service Authority as compounding fee within a period of six weeks, failing which, he shall

render himself liable for penal consequences as well as contempt of the Court.

24. Learned trial Court is directed to release the amount lying deposited with it, in all the cases as detailed hereinabove, in favour of the petitioner-accused, by remitting the same in his saving bank account, details whereof shall be furnished by learned counsel for the petitioner-accused within a period of one week.

**(Sandeep Sharma),
Judge**

August 07, 2026
(shankar)