



2026:AHC:183708

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL REVISION No. - 4991 of 2025

Dharmendra Verma

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Arpit Agarwal
Counsel for Opposite Party(s)	:	G.A., P.H. Vashishtha

Court No. - 92

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. The present criminal revision has been preferred against the judgment and order dated 25.07.2025 passed by the learned Special Judge (E.C. Act)/Additional Sessions Judge, Court No. 4, District Pilibhit, whereby the judgment of conviction and order of sentence passed by the learned Civil Judge (Junior Division) F.T.C./J.M., Pilibhit, in Complaint Case No. 1303917 of 2024, Mohammad Nayeem Vs. Dharmendra Verma, under Section 138 N.I. Act, has been affirmed.
2. Heard Sri Rahul Saxena, learned counsel for the revisionist, and Sri P.S. Vashishtha, learned counsel for the opposite party.
3. By the judgment of the learned Civil Judge (Junior Division) F.T.C./J.M., Pilibhit, the revisionist was convicted under Section 138 of the N.I. Act and was sentenced to undergo six months' simple imprisonment and to pay a fine of Rs. 2,75,000/-, with a further direction that, in default of payment of the fine, he would undergo three months' additional simple imprisonment. The learned trial court further directed that out of the amount of fine, Rs. 25,000/- be deposited in the Court as fine and the remaining amount of Rs. 2,50,000/- be paid to the complainant towards the cheque amount, litigation expenses and other appropriate compensation.
4. During the pendency of the present revision, this Court, vide order dated 11.09.2025, granted interim protection to the revisionist subject to the condition that a sum of Rs. 1,00,000/- would be paid to opposite party No. 2/complainant by way of a demand draft within one month. In compliance with the aforesaid order, the revisionist paid a sum of Rs. 1,00,000/- to the complainant, which is also recorded in the order-sheet

dated 11.11.2025. The order-sheet dated 11.09.2025 also transpires that an additional sum of Rs. 27,500/- had been deposited by the revisionist.

5. It is further submitted, and is borne out from the record, that the revisionist has thereafter deposited the remaining amount of Rs. 1,00,000/-. It has been stated in the supplementary affidavit filed on behalf of the revisionist that a further sum of Rs. 1,50,000/- has been arranged by way of a demand draft and the revisionist is ready and willing to deposit the same before the trial court.

6. However, since the aforesaid demand draft could not be deposited within the period stipulated by this Court vide order dated 11.11.2025, the learned trial court declined to accept the said amount on the ground that the period fixed by this Court for depositing the amount had already expired.

7. Learned counsel for the revisionist has submitted that there has been substantial compliance with the order passed by this Court and that the revisionist has already deposited the amount directed by this Court. It is further submitted that he is still ready and willing to deposit the remaining amount of Rs. 1,50,000/- by way of demand draft and that the said demand draft has already been prepared for being deposited before the court concerned.

8. Learned counsel appearing for the opposite party/complainant does not dispute the aforesaid position. It has been submitted by the parties that the complainant has received the amount of Rs. 1,00,000/- which was directed to be paid to him pursuant to the earlier order. It is also stated that the remaining amount is available in the form of a demand draft and the revisionist is ready to deposit the same before the trial court.

9. Having considered the submissions of the parties and the peculiar facts and circumstances of the case, this Court finds that the revisionist has made bona fide efforts to comply with the directions issued during the pendency of the revision. The delay in depositing the remaining amount, in the facts of the present case, appears to be procedural in nature. More importantly, the revisionist has expressed his unequivocal willingness to deposit the remaining amount of Rs. 1,50,000/- and the said amount is stated to be ready in the form of a demand draft.

10. It is also relevant that the dispute arises out of an offence under Section 138 of the N.I. Act, which is essentially compensatory in character. The purpose of awarding compensation to the complainant would be substantially served if the amount directed to be deposited is

actually made available to him. This Court is, therefore, of the considered opinion that the ends of justice would be adequately met by modifying the sentence while maintaining the conviction. Accordingly, the present revision is partly allowed.

11. The conviction of the revisionist under Section 138 of the N.I. Act is hereby affirmed. However, the substantive sentence of imprisonment awarded to the revisionist is modified and is hereby converted into the period already undergone. The revisionist shall deposit the remaining amount of Rs. 1,50,000/- by way of the demand draft already prepared by him before the court concerned. Upon such deposit, the learned trial court shall ensure that, in terms of the directions contained in the judgment of the trial court, the complainant is paid a total amount of Rs. 2,50,000/- out of the amount deposited by the revisionist towards the fine/compensation, subject to adjustment of the amount already paid to the complainant pursuant to the earlier orders passed by this Court.

12. The revision stands **partly allowed** in the above terms.

August 18, 2026

P. Pandey

(Mrs. Vani Ranjan Agrawal,J.)