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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: 1st September , 2010

+ Crl. Rev. No.476/2010

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Niaz Mohammad

01.09.2010

...Petitioner

Versus

The State (Govt. of NCT of Delhi) & Anr.

...Respondents

Counsels:

Mr. Masroor Alam Khan for petitioner.
Mr. Sunil Sharma, APP for State/respondent.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORAL

1. The criminal revision petition under Section 397 Cr.P.C has been preferred by the petitioner for setting aside the judgment of the appellate court dated 9th June 2010 dismissing an appeal of the petitioner against his conviction under Section 138 of Negotiable Instruments Act.
2. The plea taken in the revision petition is that after the conviction, the complainant in this case made a statement before the Commercial Civil Judge that he has settled his disputes with the accused for a sum of Rs.3,25,000/- as full and final amount in case bearing number 6586/1 and he had received Rs.1 lac in 2004 and he received a draft of Rs.2,15,000/- on 14th August, 2010 and a sum of Rs.10,000/- in cash. The complainant also stated that he would help the accused to get the complaint compounded before the High Court.
3. On the basis of this statement made by the complainant, the petitioner wants that

his revision be allowed and he be acquitted of the offence under Section 138 of Negotiable Instruments Act for which he has already been convicted by the trial court and appeal stands dismissed.

4. A perusal of judgment and order passed by learned appellate court would show that the revision petitioner was in fact acting as a conduit for illegal gratification. It is his own case that he received Rs.4 lac from the complainant to enable the complainant to get a job with MCD and out of this Rs.4 lac, Rs.2 lac were paid by accused to one Lalit Singh for re-employment of the complainant and remaining Rs.2 lac were kept by him. In order to give surety to the complainant that his work would be done otherwise the money would be refunded, cheques of Rs.4 lac were issued to the complainant. When the work of the complainant was not done with MCD, the complainant put these cheques in the bank and the cheques got dishonoured.

5. The case of the complainant has been that the petitioner had taken a loan and issued cheques against the loan amount, which later on got dishonoured. Looking at the admission of the accused that he was indulging into illegal activities of bribing MCD officials, as a broker and had admittedly received Rs.4 lac and against this amount cheques were issued, I consider that the present revision petition deserves outright dismissal. The court cannot show latitude to the person who admittedly acted as broker for giving bribes to officials and lured complainant to fall his pray with assurance of getting his work done. I find no force in this revision petition, the revision petition is hereby dismissed with no orders to costs.

September 01, 2010
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SHIV NARAYAN DHINGRA, J