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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 844/2017 & Crl. M. (Bail) 1993/2017 & Crl. M.A.
18450/2017

M/S BALAJI INTERNATIONAL Petitioner

Through: Mr. Narender Kalra, Adv.

versus

M/S THUKRAL STEEL CORPORATION Respondent

Through: Mr. Sanjay Abbot and Mr. Ankit
Agarwal, Adv.

+ CRL.REV.P. 845/2017 & Crl. M. (Bail) 1994/2017 & Crl. M.A.
18462/2017

M/S MUSKAN SHIV SHAKTI Petitioner

Through: Mr. Narender Kalra, Adv.

versus

SHUBH STEEL CORPORATION Respondent

Through: Mr. Sanjay Abbot and Mr. Ankit
Agarwal, Adv.

+ CRL.REV.P. 847/2017 & Crl. M. (Bail) 1996/2017 & Crl. M.A.
18464/2017

M/S MUSKAN SHIV SHAKTI Petitioner

Through: Mr. Narender Kalra, Adv.

versus

THUKRAL STEEL CORPORATION Respondent

Through: Mr. Sanjay Abbot and Mr. Ankit
Agarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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06.12.2017

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1. The learned counsel for the respondent submits that they have received Rs.7,00,000/- being all monies owed to them in terms of the impugned order from Ms. Neetu, proprietor of the petitioners, and do not wish to press the case against the petitioners in any manner whatsoever.

2. The Court is of the view that since the monies have been paid by Ms. Neetu, a housewife, who has to take care of her family including two school going children, the case apropos her can be allowed. The conviction is in a cheque dishonour case, not a heinous crime under the IPC. She is not stated to be a habitual offender. In the circumstances, the punishment is set aside and the case is compounded. In terms of the dicta of the Supreme Court in **Damodar S Prabhu vs Sayed Babalal H 2010 (5) SCC 663** the petitioner is to pay an amount of 15% of the cheque amount i.e. Rs. 1,05,000/- as cost.

Para 15 of **Damodar S Prabhu** (supra) states as under:

".... 15. With regard to the progression of litigation in cheque bouncing cases, the learned Attorney General has urged this Court to frame guidelines for a graded scheme of imposing costs on parties who unduly delay compounding of the offence. It was submitted that the requirement of deposit of the costs will act as a deterrent for delayed composition, since at present, free and easy compounding of offences at any stage, however belated, gives an incentive to the drawer of the cheque to delay settling the cases for years. An application for compounding made after several years not only results in the system being burdened but the complainant is also deprived of effective justice. In view of this submission, we direct that the following guidelines be followed:-

THE GUIDELINES

(i) In the circumstances, it is proposed as follows:

(a) That directions can be given that the Writ of Summons be suitably modified making it clear to the

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accused that he could make an application for compounding of the offences at the first or second hearing of the case and that if such an application is made, compounding may be allowed by the court without imposing any costs on the accused.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the Magistrate at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the Legal Services Authority, or such authority as the Court deems fit.

(c) Similarly, if the application for compounding is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs.

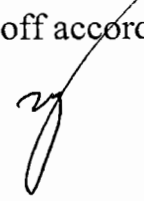
(d) Finally, if the application for compounding is made before the Supreme Court, the figure would increase to 20% of the cheque amount.

Let it also be clarified that any costs imposed in accordance with these guidelines should be deposited with the Legal Services Authority operating at the level of the Court before which compounding takes place. For instance, in case of compounding during the pendency of proceedings before a Magistrate's Court or a Court of Sessions, such costs should be deposited with the District Legal Services Authority. Likewise, costs imposed in connection with composition before the High Court should be deposited with the State Legal Services Authority and those imposed in connection with composition before the Supreme Court should be deposited with the National Legal Services Authority.

3. In terms of the above guidelines, the petitioner will deposit a sum of

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Rs. 30,000/- in CRL.REV.P 844/2017 & CRL.REV.P. 845/2017 and
Rs.35,000/- in CRL.REV.P. 847/2017 with the Delhi High Court Legal
Services Committee. The petitions stand disposed off accordingly.



NAJMI WAZIRI, J

DECEMBER 06, 2017/kk