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

\+ CRL.M.C. 1562/2015

RAGHUBIR SINGH ..... Petitioner

Through: Mr.Deepak Anand, Adv.

versus

STATE (NCT OF DELHI) & ANR ..... Respondents

Through: Mr.Izhar Ahmad, APP.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

O R D E R

% 16.03.2016

Crl.M.A.No.4682/2016

The present application has been filed by the petitioner under Section 482 Cr.P.C. for condonation of delay in compliance of the order dated 25.05.2015 passed by this Court. The relevant portion of the order including the terms and conditions as per the Deed of Settlement dated 31.03.2015 arrived at between the parties and which formed part of the order dated 25.05.2015, as under:

> "... ... ...
>
> 1. That the First Party has been paying Rs.2,000/- every month to the Second Party, as per his requirements and it is agreed that the First Party shall continue to pay the same till the minor daughter of the deceased Sunil Kumar grow up and the need for the said money becomes not

required.

2. That all the expenses in respect of the education of the minor daughters of the deceased Sunil Kumar are being borne by the First Party till they are studying be it any sum of money.

3. That the above said amount may be increased if the Second Party needs higher sum for the needs of Second Party and dependents of deceased Sunil Kumar in future.

4. That the First Party shall get issued Fixed Deposit in the sum of Rs.50,000/- for both the daughters of the deceased Sunil Kumar for their future needs. The amount or further Fixed Deposit may be issued if required in future.

The petitioner is present in Court who is duly identified by his counsel. Respondent No.2 is also present in person who is identified by the IO. As per Clause 4, the petitioner is supposed to issue Fixed Deposits in the sum of Rs.50,000/- each for both the daughters of the deceased Sunil Kumar for their future needs. The petitioner submits that the said Fixed Deposit receipts shall be handed over to the father of the deceased (respondent No.2 herein) within two weeks from today. In addition, the petitioner shall pay a further sum of Rs.50,000/- to respondent No.2 within the same time period. As far as the other payment of Rs.2,000/- per month is concerned, the petitioner undertakes to continue to pay the same as per the settlement till both the daughters attain majority. The parties shall be bound by the terms and conditions of the settlement. Respondent No.2/complainant has no objection if the prayer made in the petition is allowed in view of the said

compromise.

... ..."

It has been submitted by the learned counsel for the petitioner he could not comply with the said order to the effect that the FDRs were to be got issued in the sum of Rs.50,000/- each for both the daughters of the deceased Sunil Kumar within two weeks from the date of the said order. The delay for the same has been attributed to procedural technicalities and certain compelling circumstances and it is submitted that the petitioner when tried to hand over the same to the respondent No.2/complainant, the same were not accepted by the Trial Court on the ground that the period of two weeks for the said purpose as per the order dated 25.05.2015 had already expired.

In the given facts and circumstances of the case, the delay of 167 days in complying with the order dated 25.05.2015 is hereby condoned and the petitioner is allowed to deposit the FDRs with the Trial Court within a period of one month from today.

With these observations, the application stands disposed of.

P.S.TEJI, J

MARCH 16, 2016
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