

\$~34

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

+ CRL.REV.P. 38/2011

PRAVEEN KUMAR

..... Petitioner

Through: Mr.Arvind Pandey, Advocate with
petitioner in person.

versus

TARANJEET SINGH & ANR

..... Respondents

Through: Respondent No.1 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

19.02.2016

Crl.M.A.No.3048/2016

1. This is an application moved on behalf of the petitioner praying for his acquittal in view of the settlement arrived at between the parties.
2. Vide impugned judgment dated 26.07.2010 and order on sentence dated 29.07.2010 the petitioner has been held guilty for committing the offence punishable under Section 138 of Negotiable Instrument Act and sentenced to undergo SI for one year and to pay a compensation of ₹5 lacs to the complainant/respondent herein and in default of payment of compensation, to undergo SI for ninety days. However, the sentence awarded to the petitioner was suspended for a period of one month to enable him to file an appeal.
3. The petitioner preferred appeal bearing CA No.72/4/10 against his

conviction and sentence awarded to him for committing the offence punishable under Section 138 NI Act. Vide order dated 10.01.2011, the learned Appellate Court while upholding the conviction of the petitioner under Section 138 NI Act, modified the sentence to the extent that with respect to the imprisonment of one year, the petitioner shall deposit a sum of ₹2 lacs within two weeks and in default of payment of fine, he shall undergo SI for three months.

4. Thereafter the petitioner approached this Court by filing the instant revision petition with the prayer to set aside the orders dated 26.07.2010 and 29.07.2010 passed by learned MM in C.C. No.1265/09/07 and order dated 10.01.2011 passed by learned Appellate Court in CA No.72/4/10 and acquit him in this case. Vide order dated 24.01.2011, it was directed that no coercive steps be taken against the petitioner.

5. During the pendency of this revision petition, the parties arrived at an amicable settlement. Copy of the settlement has been annexed with this application as Annexure-A.

6. Petitioner is present in person alongwith his counsel. Respondent No.1 is also present in person.

7. Respondent No.1 is present in person and submits that he has received the complete payment from the petitioner as per the settlement arrived at between them and he does not want any penal action against the petitioner.

8. This is a case under Section 138 N.I. Act which is compoundable. In view of the offence being compounded, the petitioner is acquitted in this case.

9. Application stands disposed of.

10. A copy of the order be sent to concerned Jail Superintendent for information.

As prayed, a copy of the order be also given dasti to learned counsel for the parties.

CRL.REV.P. 38/2011

1. In view of the above settlement having been arrived at between the parties and the petitioner is acquitted, nothing further survives in this revision petition.

2. The revision petition same is accordingly dismissed.

3. LCR be sent back alongwith copy of this order.

CRL.M.B. No.101/2011

Dismissed as infructuous.

PRATIBHA RANI, J.

FEBRUARY 19, 2016

‘st’