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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 504/2014**
ARJUN JHA Petitioner

Through Mr. H. R. Jha, Adv. with petitioner in person.

versus

STATE AND ANR Respondents
Through Mr. Kewal Singh Ahuja, APP
Mr. Naseem Akhtar, Adv. for respondent no. 2

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **21.07.2016**

Respondent no. 2 filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 ('the Act', for short) against the petitioner before the trial court. After trial, complaint case has been disposed of by the trial court vide judgment dated 23rd September, 2011, whereby petitioner has been convicted under Section 138 of the Act and sentenced to undergo simple imprisonment for one year and pay compensation of Rs.1,00,000/-, in default of payment of compensation to undergo simple imprisonment for three months. Petitioner preferred an appeal being Crl. Appeal No.

198/4/12, which has been dismissed by the Additional Sessions Judge vide judgment dated 19th February, 2013.

That is how, petitioner is before this Court by way of present writ petition under Section 397 read with 482 of the Code of Criminal Procedure, 1973 (CrI.P.C.). Both the courts below have scrutinized the evidence on record and come to the conclusion that petitioner had issued the cheque for Rs.75,000/- to the respondent no. 2 towards repayment of loan with interest.

During the course of hearing, counsel for the petitioner, on instructions, submits that petitioner has offered Rs.75,000/- to the respondent no. 2, which amount respondent no. 2 has agreed to accept towards full and final settlement of all his claims arising out of the cheque in question. Learned counsel for the respondent no. 2 submits that respondent no. 2 has no objection in case petitioner's offence is compounded and he is acquitted. In view of the compromise, offence under Section 138 of the Act is permitted to be compounded and petitioner is acquitted.

Rs. 1,00,000/- has been deposited by the petitioner pursuant to the order dated 8th September, 2014. Out of the amount lying deposited in this Court, Rs.75,000/- be released to the respondent no. 2 forthwith. The balance amount together with interest accrued, if any, be released to the

petitioner.

Revision petition is disposed of in the above terms.

A.K. PATHAK, J.

JULY 21, 2016

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