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

+ CRL.REV.P. 393/2016

SURESH KUMAR Petitioner

Through : Mr. Abhimanyu Lall, Adv.

Versus

THE STATE NCT OF DELHI & ANR Respondents

Through :Ms. Kusum Dhalla, APP for
respondent no. 1
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **20.07.2016**

CRL.REV.P. 393/2016 and Crl. M.A. No. 9897/2016 (for compounding)

Vide judgment dated 30th July, 2015 petitioner was convicted by the learned trial court under Section 138 of the Negotiable Instruments Act, 1881 ('the Act', for short) and vide Order on Sentence dated 18th August, 2015 he was sentenced to undergo rigorous imprisonment for three months and pay ₹3,41,500/- as compensation to the respondent no. 2 and in default of payment of compensation to undergo simple imprisonment for one

month. Petitioner preferred an appeal before the Sessions Judge, which was dismissed vide order dated 9th May, 2016.

That is how, petitioner is before this Court by way of present petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973. During the pendency of the revision petition, petitioner and respondent no. 2 have settled the matter for ₹1,75,000/-. Respondent no. 2 is present in Court and admits that matter has been compromised between him and the petitioner for ₹1,75,000/-, inasmuch as petitioner has already paid ₹1,75,000/- to the respondent no. 2 through demand draft (Annexure II). Learned counsel for the petitioner further submits that ₹45,000/- towards 15% of the cheque amount has already been deposited with Delhi State Legal Aid Services Authority as litigation expenses, as per the guidelines framed by Hon'ble Supreme Court of India in Damodar S. Prabhu Vs. Sayed Babalal H., (2010) 5 SCC 663, receipt has been placed on record. Respondent no. 2 submits that offence may be compounded. In view of the settlement arrived at between the petitioner and respondent no. 2, offence under Section 138 of the Act is permitted to be compounded. Petitioner is acquitted. Petitioner is in jail. He be released from the jail forthwith.

A copy of the order be sent to the Jail Superintendent.

A copy of the order be also given dasti to the counsel for petitioner.

Petition is disposed of in the above terms.

A.K. PATHAK, J.

JULY 20, 2016

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