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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.M.C. 2357/2016 & Crl.M.A.No.9978/2016  
SHIV KUMAR ..... Petitioner  
Through: Mr. Manmohan Yadav, Advocate

versus

THE STATE (N.C.T OF DELHI) & ANR. .... Respondents  
Through: Mr. G.M. Farooqui, learned  
Additional Public Prosecutor for  
State  
Respondent No.2/Complainant in  
person

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

% **ORDER**  
**17.06.2016**

Petitioner was successfully prosecuted for dishonour of cheques of ₹5,00,000/- in proceedings under Section 138 of The Negotiable Instruments Act, which resulted in his conviction and petitioner was sentenced to imprisonment for four months with direction to pay compensation of ₹7,00,000/-. Petitioner's appeal against the impugned conviction and sentence stands rejected vide order of 18<sup>th</sup> May, 2016. This petition has been filed on the basis of compounding of the offences.

Notice.

Mr. G.M. Frooqui, Additional Public Prosecutor for respondent-State, accepts notice and submits that respondent No.2, who is the

complainant/ first-informant of the FIR in question, is present in the Court and he has been identified to be so on the basis of identity proof furnished by him.

Respondent No.2/ complainant affirms the contents of his affidavit of 14<sup>th</sup> June, 2016 filed in support of this petition and submits that he has compounded the offence in question with petitioner and so, the impugned conviction and sentence awarded to petitioner be set aside.

In view of the stand taken as aforesaid, this petition is allowed and the impugned conviction and sentence awarded to petitioner is hereby set aside.

This petition and application are accordingly disposed of.

**(SUNIL GAUR)**  
**VACATION JUDGE**

**JUNE 17, 2016**  
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