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

+ CRL. Rev. Petition No. 492/2016

SHRI SUSHIL WADHWA Petitioner
Through : Ms. Somya Singh, Adv.

versus

M/S. SATYAM FINLEASE PVT. LTD. & ANR. Respondents
Through :Mr. Saurav Arora, Authorised
Representative for respondent no. 1
Ms. Kusum Dhalla, APP for the
respondent no. 2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **27.07.2016**

Crl. M.A. No. 11343/2016 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

**Crl. Rev. P. No. 492/2016 and Crl. M.A. No. 11342/2016 (for
compounding the offence)**

Respondent no. 1 and its Director Sunil Batra filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 ('the Act', for short) against the petitioner herein before the Metropolitan Magistrate, Delhi. After trial, vide judgment dated 21st February, 2013 learned Metropolitan Magistrate convicted the petitioner under Section 138 of the Act and vide Order on Sentence dated 27th February, 2013 sentenced

him to face rigorous imprisonment for a term of two years with fine of ₹10,000/- and in default of payment of fine to undergo simple imprisonment for three months.

Petitioner preferred a Crl. Appeal No. 115/2/15 before the Additional Sessions Judge, Delhi (Appellate Court), which has been dismissed vide judgment dated 7th June, 2016.

That is how, petitioner is before this Court by way of present revision petition under Section 397(1) read with Section 401 of the Code of Criminal Procedure, 1973.

Issue notice to the respondents. Mr. Saurav Arora, Authorised Representative of respondent no. 1 accepts notice. Learned APP for the respondent no. 2 also accepts notice. It is submitted that private respondent and petitioner have settled the matter vide Memorandum of Understanding dated 25th July, 2016 and in terms of the settlement, petitioner has already paid ₹10,00,000/- to the private respondent through five demand drafts, photocopies whereof have been placed on record at pages 45 and 46. Authorized Representative of the private respondent submits that in view of the settlement and the payment made pursuant whereof, private respondent has no objection in case offence of the petitioner is compounded.

Accordingly, offence under Section 138 of the Act of the petitioner is compounded. Petitioner is acquitted. He is in custody, be released from the jail, if not wanted in any other case.

Revision petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

Crl. M.B. No. 1399/2016 (for suspension of sentence)

Application is disposed of as infructuous.

A.K. PATHAK, J.

JULY 27, 2016

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