

\$~10

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

DECIDED ON : OCTOBER 24, 2016

+ CRL.REV.P. 620/2016 & CrI.M.A.16624/2016

SANDEEP CHAUHAN

..... Petitioner

Through : M.Hasibuddin, Advocate with
Mr.B.K.Das, Advocate.

VERSUS

STATE & ANR.

..... Respondents

Through : Ms.Manjeet Arya, APP.
Mr.Sudhir Balyan, Advocate with
Mr.Dhiraj Kochar, Advocate for R2
along with R2 in person.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. Present Revision Petition has been preferred by the petitioner-Sandeep Chauhan to challenge the legality and correctness of a judgment dated 20.08.2016 of learned Additional Sessions Judge in CrI.A.No.8162/16 whereby the judgment dated 3.3.2016 and Order on Sentence dated 4.3.2016 of learned Metropolitan Magistrate in Complaint Case No.817/2015 under Section 138 Negotiable Instruments Act were upheld. The petitioner was convicted under Section 138 Negotiable Instruments Act and was sentenced

to undergo Simple Imprisonment for three months with compensation of Rs.4,00,000/-.

2. Notice of the revision petition was given to the complainant, who appeared in person on 6.10.2016 and informed that the matter has been settled with the petitioner and he has already received ₹5,70,000/- as settled amount. He did not have any objection to the grant of suspension of sentence.

3. The complainant is present in the court today. I have enquired from the complainant if he has settled the disputes with the petitioner without fear or pressure. The complainant had informed that the disputes under Section 138 Negotiable Instruments Act have been settled/compounded by him with the petitioner on his own free will and without any fear or pressure and he has no objection to the disposal of the petition as settled. He further informs that ₹5,70,000/- have been received by him in full and final settlement of the claims.

4. Since the complainant has compounded the offence voluntarily without any fear or pressure and has received the settled amount, the present revision petition stands disposed of as compounded/settled. The petitioner is acquitted of all the charges.

5. Since the matter has been settled/compounded at revisional stage, the petitioner is burdened with costs of ₹40,000/- to be deposited within two weeks before the Trial Court. Lenient view has been taken considering the economic condition of the petitioner whereby he had remained in custody for sufficient duration for non-payment of the cheque amount.

6. The revision petition stands disposed of in the above terms. All pending application (s) also stand disposed of. Trial Court record (if any) be sent back forthwith with copy of the order.

(S.P.GARG)
JUDGE

OCTOBER 24, 2016

sa

