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

+ CRL.REV.P. 215/2017

M/S.SANGAM ENTERPRISES

THR.ITS PROPRIETOR

..... Petitioner

Through: Mr.Rahul Sharma, Adv.

versus

M/S DRAJ CHEMICALS P.LTD.

..... Respondent

Through: Mr.Manoj Shete, Adv.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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24.03.2017

CRL.M.A.5078/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.REV.P. 215/2017 & CRL.M.(Bail) 534/2017

This is a petition under Section 397 Cr.P.C for setting aside the judgment dated 18.03.2017 in Criminal Appeal No.54980/2016 titled M/s.Sangam Enterprises v. M/s. DRJ Chemicals (Pvt.) Ltd. Passed by the court of learned ASJ, Tis Hazari Court, Delhi and also the judgment dated 30.07.2016 and order on sentence dated 09.08.2016 passed by the court of learned MM, Tis Hazari Courts, Delhi in Criminal Complaint No.2319/2010 titled M/s. DRJ Chemicals v. M/s.Sangam Enterprises.

Counsel for the petitioner has submitted that learned MM has held the petitioner/accused guilty of the offence under Section 138 of Negotiable Instruments Act vide judgment dated 30.07.2016 and vide order on sentence

dated 09.08.2016, sentenced the petitioner to 3 months Simple Imprisonment and ordered to pay a fine of Rs.3,00,000/- and in default of payment of fine, the convict (petitioner herein) to undergo a further simple imprisonment for three months. Counsel for the petitioner has further submitted that the petitioner preferred appeal before learned Sessions Judge and the learned Sessions Judge modified the order on sentence dated 09.08.2016 and imposed the sentence of simple imprisonment from 3 months to 2 months but the fine amount was kept the same and in default of payment of fine, the convict (petitioner herein) to undergo simple imprisonment for two months instead of three months.

Counsel for the petitioner has submitted that the petitioner thereafter entered into settlement with the complainant and settled all the four complaint cases for a sum of Rs. 7,18,000/- (Rupees Seven Lakh Eighteen Thousand Only). He has submitted that the settlement amount of Rs. 7,18,000/- (Rupees Seven Lakh Eighteen Thousand Only) has been handed over to the complainant vide demand draft No. 328527 dated 24.03.2017 drawn on Punjab National Bank, Delhi and nothing remains to be adjudicated further and submits that the offence be compounded and the petitioner be acquitted of the charge and be released from custody.

The complainant is present in Court today and is represented by his counsel Mr. Manoj Shete. The complainant also admits that he has settled the matter with the petitioner in all four cases i.e. Criminal Appeal No.54980/2016 in Criminal Complaint No.2319/2010, Criminal Appeal No.54978/2016 in Criminal Complaint No.2343/2010, Criminal Appeal No.54979/2016 in Criminal Complaint No.2344/2010 and Criminal Appeal No.54977/2016 in Criminal Complaint No.2342/2010. The complainant

further submits that he has received the settlement amount of Rs. 7,18,000/- (Rupees Seven Lakh Eighteen Thousand Only) from the petitioner by way of demand draft No. 328527 dated 24.03.2017 drawn on Punjab National Bank, Delhi. He submits that he has no claim or grievance left against the petitioner. He further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. He further submits that he has no objection if the offence is compounded in all the four complaints.

Looking into the above facts and circumstances, since the matter has been amicably settled between the parties and the settlement amount has been paid to the complainant, offence under Section 138 of Negotiable Instrument Act is compounded in Criminal Appeal No.54980/2016 in Criminal Complaint No.2319/2010. Resultantly, the petitioner is acquitted. The petitioner be released from Mandoli jail forthwith, if not required in any other case.

Copy of the order be also sent to the concerned Jail Superintendent for information and necessary compliance.

Petition stands disposed of accordingly. All pending application(s) (if any) also stand disposed of.

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

I.S.MEHTA, J

MARCH 24, 2017/radhika