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

+ **CRL.A. 942/2016**

LAL CHAND

..... Appellant

Represented by: Appellant in person.

versus

K K L DAS

..... Respondent

Represented by: Mr. Atul Kumar, Adv.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.12.2017

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Appellant and learned counsel for the respondent are present in Court.

The appellant filed a leave to appeal petition against the judgment of acquittal passed by the learned Metropolitan Magistrate in which leave was granted and the appeal was disposed of by this Court vide order dated 10th January, 2017. Vide the order dated 10th January, 2017 this Court convicted the respondent for offence punishable under Section 138 Negotiable Instruments Act and listed the matter for 23rd February, 2017 for consideration on sentence.

On 23rd February, 2017 the respondent/ convict tendered a cheque for a sum of ₹3,24,000/- and awaiting the encashment of cheque, the appeal was adjourned to 2nd May, 2017. Thereafter the parties informed that the matter has been settled between the parties and the respondent has paid a sum of ₹3,24,000/- to the appellant in full and final settlement of his claim. The

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respondent was thus directed to deposit 15% of the settlement amount i.e. ₹48,600/- as cost in terms of the judgment of the Hon'ble Supreme Court in Damodar S. Prabhu Vs. Sayed Baba Lal (2010) 5 SCC 663. The receipt of cost has already been placed on record. In the meantime, the respondent also challenged the order of conviction passed by this Court before the Hon'ble Supreme Court which Special Leave Petition has been dismissed for non-prosecution on 11th September, 2017.

The appeal is consequently disposed of as the parties have settled the matter and the appellant has received the amount of ₹3,24,000/-.

MUKTA GUPTA, J.

DECEMBER 22, 2017
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