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

+ CRL.REV.P. 738/2016

CHINTU TANEJA

..... Petitioner

Through Mr.Krishan Kumar, Adv. with
Ms.Sunita Arora, Adv.

versus

RAMESH CHAND KUMAR

..... Respondent

Through Mr.Mukesh Anand, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **08.08.2017**

Crl.M.A. 12697/2017 (early hearing)

For the reasons stated in the application, the prayer for early hearing of the present revision petition is allowed.

The earlier date of 22.09.2017 is cancelled.

This revision petition shall be heard today.

Crl.Rev.P.738/2016

The revisionist/petitioner was convicted by the Trial Court in complaint case no.2831/1/10 for the offence under section 138 of the NI Act vide judgment and order dated 10.01.2014 and 21.01.2014 respectively and was sentenced to undergo SI for 18 months and was directed to pay the amount of cheque in question as compensation within one month of the passing of the order and in default, to further undergo SI for 3 months.

The petitioner preferred an appeal against the aforesaid judgment and

order of conviction but the appeal failed and the judgment of the Trial Court was affirmed and upheld. In the appeal, the petitioner was additionally saddled with a cost of Rs.5,000/-.

The sentence of the petitioner was suspended by order dated 26.05.2017 on the statement made on behalf of the parties that Rs.1.25 lakhs would be given to the respondent and which shall be accepted by him towards total liability of the petitioner. However, the petitioner could not avail of the aforesaid order of suspension of sentence as there were other cases pending against him in which he was in jail.

Today, a joint application on behalf of the parties has been pressed which states that the dispute has amicably been settled on 26.05.2017. Whatever amount was due to the complainant, has been paid and the same has been accepted by him on full satisfaction.

In another matter pending between the same parties, a bench of this Court vide Crl.Rev.P.739/2016, on the strength of such joint statement of settlement, has allowed the revision/petition and has set aside the judgment and order of conviction.

It has been submitted on behalf of the petitioner that he is in a very straightened financial circumstances and it would not be possible for him to pay anything more than this. Taking his statement to be correct, even the respondent has agreed to accept the same without any caveat.

The respondent and counsel for the petitioner are present.

Taking into account the aforesaid facts, this revision petition is allowed.

The judgment and order of conviction of both the courts below are set aside and the petitioner is acquitted of all charges. If the petitioner is not

wanted in any other case, he shall be released from the concerned jail forthwith.

The revision petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 08, 2017
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