

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 17/2018 & CrI. M.B. no. 30/2018
SMT PRIYA SACHDEVA Petitioner
Through Mr. P.K Bajaj, Mr. S.P. Singh Tyagi
and Mr. Braham Singh, Advs.

Versus

SMT NEELAM MANCHANDA Respondent
Through Mr. Anil Garg, Adv.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **05.01.2018**

Notice. Learned counsel for the respondent accepts notice.

Petitioner was convicted by the trial court under Section 138 of the Negotiable Instruments Act, 1881 (“the Act”, for short) and sentenced to undergo simple imprisonment for 15 days. She was also directed to pay ₹55,000/- (₹50,000/- towards compensation and ₹5,000/- towards costs) to the respondent. It was further directed that in case of default of payment of compensation, petitioner shall undergo simple imprisonment for further period of 15 days.

Petitioner preferred an appeal before the Additional Sessions Judge, which has been dismissed, vide judgment dated 7th November, 2017.

That is how, petitioner is before this Court by way of present Revision Petition under Section 397 Cr.P.C.

During the course of hearing, learned counsel for the petitioner has not advanced any arguments on merits of the case. Only leniency has been prayed in the sentence. It is contended that ₹55,000/- has already been paid to the respondent. It is further submitted that a settlement has also been arrived at between the parties. Copy of the Memorandum of Understanding has already been placed on record.

Petitioner is a woman and is aged about 36 years. She has two school going children. She is in jail for the last three days. Compensation and costs have already been paid. Irrespective of the settlement, I am of the view that sentence of the petitioner can be reduced to the period already undergone by her. Accordingly, sentence of the petitioner is reduced to the period already undergone by her. Petitioner be released from the jail, if not required in any other case.

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

A.K. PATHAK, J.

JANUARY 05, 2018
r.bararia