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

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Judgment delivered on: 02.04.2018

+ CRL.REV.P. 170/2017

UNITED CARPETS (INDIA) & ORS

..... Petitioners

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sandeep Verma, Advocate for petitioner No.1
with petitioner in person.

For the Respondents : Mr. Arun Kumar Sharma, APP for the State.
Mr. Manoj Kumar, Advocate with AR of
respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

02.04.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 170/2017 & Crl.M.A.3723/2017 (stay)

1. The petitioner impugns order dated 27.01.2017 whereby the appeal of the petitioner was dismissed in default. The petitioner had filed an appeal impugning the judgment dated 24.06.2016 convicting of an offence under Section 138 of the Negotiable Instrument Act.

2. The subject cheque was of Rs.7,15,000/-. Parties have settled their disputes. Petitioner has settled and agreed to pay the settlement

amount of Rs.9,00,000/- over and above the amount of Rs.1,50,000/- which was paid at the time of settlement before the Trial Court, which amount was forfeited by the respondent.

3. Out of the settlement amount of Rs.9,00,000/-, a sum of Rs.8,50,000/- has already been paid. The balance sum of Rs.50,000/- has been paid in Court today by way of a cheque No.481606 dated 07.04.2018 drawn on Canara Bank.

4. The petitioner, who appears in person, undertakes that the cheque shall be honoured on its presentation. The undertaking is accepted.

5. The respondent is present in Court in person. He submits that he has no objection to the compounding of the subject offence.

6. In view of the fact that the parties have settled their disputes and the entire settlement amount has already been paid to the respondent, in exercise of powers under Section 147 of the Negotiable Instrument Act, the subject offence is compounded. The petitioner shall pay costs equivalent to 15% of the cheque amount (i.e. Rs.1,07,500/-) to the Delhi State Legal Services Authority in terms of the judgment of the Supreme Court in *Damodar S.Prabhu versus Sayed Babalal H.*, 2010(5) SCC 663.

7. Let the amount be deposited with the Delhi State Legal Services Authority within a period of two weeks from today. The

receipt be furnished to the Trial Court within a period of three weeks from today.

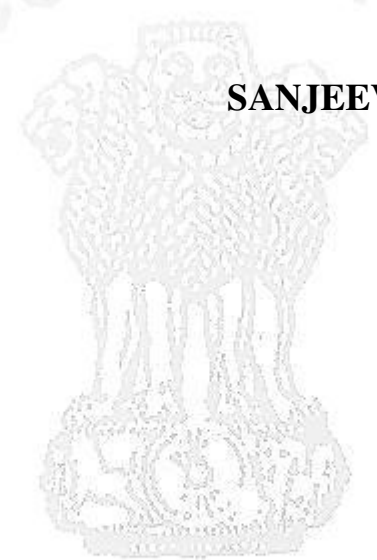
8. Subject to the payment of the said amount, the subject offence is compounded and the petitioner would be deemed to be acquitted.

9. The petition is, accordingly, disposed of in the above terms.

10. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 02, 2018
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