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

+ **CRL.REV.P. 209/2018**

VIJAY PAL

..... Petitioner

Through: Mr. Parikshit Mahipal, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Amit Chadha, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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12.03.2018

Petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 by the trial court and sentenced to undergo simple imprisonment for 6 months. Petitioner was also directed to pay fine of ₹5.50 lacs as compensation to the complainant, that is, respondent no.2 and in default of payment of compensation to undergo simple imprisonment for 6 months. Appeal filed by the appellant has also been dismissed by the Appellate Court vide judgment dated 26th August, 2017.

That is how the petitioner is before this Court by way of present petition under Section 397 of the Code of Criminal Procedure, 1973. There is delay of 94 days in filing the present revision petition, which is condoned.

During the course of hearing, learned counsel for the petitioner has not assailed conviction of the petitioner on merits. It is submitted that

petitioner has already completed sentence of six months awarded to him. He is undergoing simple imprisonment awarded to him in default of payment of compensation. It is further submitted that petitioner is a poor person who is aged about 55 years. Petitioner's wife is a housewife. Petitioner's son is a student. The whole family of the petitioner is facing financial crises in absence of petitioner in as much as studies of petitioner's son are being suffered. Uncle of the petitioner has died recently. It is prayed that sentence of petitioner in default of payment of compensation may be reduced to the period already undergone by him.

Keeping in mind the facts and circumstances brought to the notice of this Court by the learned counsel for the petitioner, while upholding the conviction and sentence of simple imprisonment of six months of the petitioner, the sentence handed down to him in default of payment of compensation is reduced to two months from six months.

Petition as well as other miscellaneous applications are disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

MARCH 12, 2018

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