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

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Judgment delivered on: 28.11.2018

+ CRL.REV.P. 285/2016

MUKESH KUMAR SHARMA

..... Petitioner

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. M.C. Sharma, Advocate
with petitioner in person.

For the Respondent : Mr. Hirein Sharma, APP for the State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

28.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner impugns judgment dated 05.03.2016, whereby, the appeal of the petitioner impugning order on conviction dated 26.05.2015 and order on sentence dated 03.06.2015 was rejected.

2. The petitioner was convicted of an offence under Section 138 Negotiable Instrument Act and sentenced to undergo simple imprisonment of 3 months and to pay a compensation of Rs.1,50,000/- and in default to further undergo simple imprisonment of 1 month.

The subject complaint was with regard to two cheques of Rs.49,500/- each.

3. The parties have settled their disputes. The petitioner had agreed to pay a total sum of Rs.2,30,000/- to the complainant in full and final settlement of all her claims. The sum of Rs.2,04,000/- had already been paid. The balance sum of Rs.26,000/- had been paid by the petitioner on 29.08.2018.

4. On 29.08.2018, the complainant/respondent No.2 was present in Court in person and also was represented by counsel. Respondent No.2 acknowledged the settlement and also the receipt of the entire amount of Rs.2,30,000/- and had stated that she had no objection to the compounding of the subject offence. Original cheques issued by the petitioner were also returned by the respondent No.2.

5. On 29.08.2018, the petitioner had sought time to deposit cost equivalent to 15% of the cheque amount in terms of the judgment of the Supreme Court in *Damodar S. Prabhu vs. Sayed Babalal K*, 2010(5) SCC 663 with the Delhi State Legal Services Authority.

6. Learned counsel for the petitioner has produced an original receipt of deposit of the sum of Rs. 15,000/- with the Delhi State Legal Services Authority. Photocopy of the same is taken on record.

7. In view of the fact that the petitioner has settled the disputes with the respondent, paid the settlement amount and also deposited

cost in terms of the judgment of the Supreme Court in *Damodar S. Prabhu* (supra), the subject offence is compounded. The petitioner is acquitted of the subject offence.

8. The securities, furnished by the petitioner, as also the surety amount, furnished in the form of a fixed deposit in this Court, are discharged. The original be returned to the petitioner in accordance with law.

9. The petition is allowed in the above terms.

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

NOVEMBER 28, 2018
st

SANJEEV SACHDEVA, J

भारतमेव जयते