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

+ **Crl. M.C. 3228/2018 & Crl. M.A. 11427/2018**

SH. AMIT SHARMA

..... Petitioner

Through :Mr. Karan Sachdeva, Adv alongwith
Smt. Savita Sharma.
Mr. Amit Sharma, Petitioner produced
from Jail.

versus

THE STATE (GOVT. OF N.C.T. OF DELHI) & ANR

..... Respondent

Through :Mr. Kamal Kr. Ghei,APP for the
State.
Mr. Rama Shankar and Mr. Mohit
Aggarwal, Adv for Respondent No. 2
alongwith Mr. Mahinder Kumar
Gupta/Respondent No.2

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **15.06.2018**

Crl. M.A. 11428/2018 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Crl. M.C. 3228/2018 & Crl. M.A. 11427/2018

1. The present petition has been filed under Section 482 Code of Criminal Procedure for quashing of order dated 09.03.2017 passed by Sh. Rakesh Kumar, Special Judge, Tis Hazari Court in criminal appeal No. 54135/2016.
2. Vide order dated 09.03.2017, the Special Judge confirmed the order dated 26.04.2016 and order on sentence dated 11.05.2016 passed by learned Trial court whereby the petitioner was sentenced to undergo a sentence for 3

months simple imprisonment and further directed to pay a compensation of Rs. 8 lacs, in default and further simple imprisonment for the period of three months for the offence punishable under Section 138 NI Act to undergo three months

3. A settlement has been arrived at between the parties and the petitioner has paid a sum of Rs.3,00,000/- through Drafts vide DD bearing No.04725 of Rs.2,00,000/- & DD bearing No.047526 of Rs.1,00,000/- and given Indigo Car No.DL-4C-AL-1918 to the respondent No.2 and also paid a sum of Rs.2,00,000/- vide demand draft bearing No.047534 dated 14.06.2018 drawn on State Bank of India to the Respondent no. 2. Statements to this effect have been recorded separately.
4. Keeping in view the statement made and the settlement arrived at between the parties, the order dated 09.03.2017 passed by Sh. Rakesh Kumar, Special Judge, Tis Hazari Court in criminal appeal No. 54135/2016 and order passed by the trial court dated 26.04.2016 and order on sentence dated 11.05.2016 passed by learned Trial court is set aside.
5. Jail Superintendent is directed to release the petitioner, if he is not required in any other matter.
6. Copy of the order be communicated to Jail Superintendent, Tihar Jail.
7. Copy of the order be given Dasti under the Signatures of the Court Master.
8. Present petition is disposed of alongwith pending application

SANGITA DHINGRA SEHGAL
(VACATION JUDGE)

JUNE 15, 2018

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