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

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Judgment delivered on: 02.08.2018

+ CRL.REV.P. 578/2018

RAVINDER

..... Petitioner

versus

STATE & ANR

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sachin Sharma, Advocate.

For the Respondent : Mr. Sanjeev Sabharwal, Addl. PP for the State

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

02.08.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 637/2018 & CRL.M.A.12373/2018 (stay) & Crl. M. (Bail) 1098/2018

1. The petitioner impugns order on conviction dated 26.04.2018 and order on sentence dated 04.05.2018 passed by the trial court as also the order dated 31.05.2018 of the appellate court rejecting the appeal of the petitioner.

2. The petitioner was convicted of the offence punishable under

Section 138 of the Negotiable Instruments Act. The subject cheque was of Rs. 3,70,000/-. The petitioner was sentenced to under simple imprisonment for a period of one month as also to pay a sum of Rs. 3,42,000/- as compensation to the complainant.

3. The petitioner and respondent no. 2 have settled their disputes and the petitioner had agreed to pay a sum of Rs. 4 lakhs to respondent no. 2. The petitioner on 06.06.2018 paid a sum of Rs. One lakh and on 08.06.2018 transferred a sum of Rs. 3 lakhs to respondent no. 2 through RTGS. Respondent company accordingly gave a No Objection Certificate dated 21.06.2018.

4. On 11.07.2018, representative of respondent no. 2 was present in Court and confirmed that the petitioner had paid the entire settlement amount of Rs. 4 lakhs. Respondent no. 2 had further confirmed that he has no objection to the compounding of the subject offence.

5. Keeping in view the statements of the parties, this Court directed the petitioner to deposit 15% of the cheque amount as costs with the Delhi Legal Services Authority in terms of the judgment of the Supreme Court '*Damodar S. Prabhu Vs. Sayed Babalal H.*', 2010(5) SCC 663, and consequently the petitioner has deposited 15% of the cheque amount being Rs. 55,500/-. Receipt dated 23.07.2018 of the same has been produced.

6. Keeping in view the fact that the petitioner has settled with

respondent No. 2 and paid the settlement amount of Rs. 4 lakhs and also deposited the cost of 15% of the cheque amount, in terms of the judgment in '*Damodar S. Prabhu (supra)*', the subject offence is compounded. The petition is accordingly allowed. The petitioner is acquitted of the offence punishable under Section 138 of the N.I. Act.

7. Consequently, orders issuing NBWs and initiating the proceedings under Section 82 Cr. P.c. are set aside.

8. Order Dasti under signatures of the Court Master.

AUGUST 02, 2018
'rs'

SANJEEV SACHDEVA, J

नित्यमेव जयते