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

+ CRL.REV.P. 662/2018 & CrI.M.B.1239/2018

MOHAMMAD HANIF Petitioner

Through: Mr.Arunabh Banerjee, Advocate.

versus

STATE OF NCT DELHI & ANR Respondents

Through: Mr.Panna Lal Sharma, Addl. PP for
the State

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **31.08.2018**

1. Petitioner impugns order dated 25.05.2018 of the Appellate Court whereby the appeal of the petitioner impugning order on conviction dated 06.11.2017 and order on sentence dated 27.11.2017 was rejected. Petitioner was convicted of an offence under Section 138 of the Negotiable Instruments Act for dishonour of a cheque in the sum of Rs.1,00,000/-. Petitioner was sentenced to undergo Simple Imprisonment for nine months and to pay a compensation of Rs.1,50,000/-.

2. Parties had settled their disputes and petitioner had agreed to pay a total amount of Rs.1,40,000/- to respondent No.2/complainant. On 07.08.2018, both parties were present before the Court. Complainant who was present in person had submitted that he had received the entire amount of Rs.1,40,000/- and was agreeable to

compounding of the subject offence. Matter was renotified today for the petitioner to deposit costs in terms of judgment of the Supreme Court in *Damodar S. Prabhu versus Sayed Babalal H.*, (2010) 5 SCC 663.

3. Learned counsel for the petitioner has produced in Court receipt in the sum of Rs.15,000/- representing 15% of the cost in terms of the judgment in *Damodar S. Prabhu* which has been deposited with the Delhi High Court Legal Services Committee. Same is taken on record

4. Since petitioner has settled with the respondent and paid the entire settlement amount and also deposited costs in terms of the judgment of the Supreme Court, subject offence is compounded. Petitioner is accordingly acquitted of the said offence. The sureties given by the petitioner shall accordingly be discharged.

5. Petition is disposed of in the above terms.

6. Order dasti under the signature of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 31, 2018

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