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

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Judgment delivered on: 01.10.2018

+ CRL.REV.P. 656/2018

KANHIYA LAL

..... Petitioner

versus

ARUN TOMAR

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Rajat Mathur, Advocate for Mr. Rajkumar Chandiwal, Adv.

For the Respondent : None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

01.10.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 656/2018 & Crl. M. (Bail) 1228/2018 (suspension of sentence)

1. Petitioner impugns order dated 21.07.2018 whereby the appeal of the petitioner against the order of conviction dated 08.02.2018 and order on sentence dated 27.03.2018 was dismissed.

2. Petitioner was convicted of an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one month and to pay compensation of Rs.5,50,000/- failing which to undergo further imprisonment of six

months. The cheque amount being Rs.2,75,000/-.

3. On 28.08.2018, both the parties were present in Court. They had stated that they had settled their disputes. Petitioner had agreed to pay Rs. 2.50 lakhs to the respondent in full and final settlement of all the claims. Respondent, who was present in person and represented by the counsel, had confirmed the receipt of the said amount and stated that he had no objection to the compounding of the subject offence.

4. By order dated 28.08.2018, petitioner was granted two weeks' time to deposit the costs @ 15% of the cheque amount in terms of the judgment of the Supreme Court titled *Damodar S.Prabhu versus Sayed Babalal H.*, 2010 (5) SCC 663.

5. Receipt of deposit of cost dated 18.09.2018 has been produced. Said receipt shows that an amount of Rs. 41,250/- representing 15% of the cheque amount has been deposited with the Delhi State Legal Services Authority.

6. Keeping in view the fact that petitioner has settled with the complainant, paid the settlement amount and also deposited costs representing 15% of the cheque amount with 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 receipt dated 18.09.2018 of the same has been produced, it is in the interest of justice that the subject offence be compounded.

7. In view of the above, the petition is allowed. Subject offence is compounded. Petitioner is acquitted. Surety furnished by the petitioner is discharged.

8. The date already fixed i.e. 11.10.2018 is hereby cancelled.

9. Order dasti under signatures of the Court Master.

OCTOBER 01, 2018
‘rs’

SANJEEV SACHDEVA, J

