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

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Judgment delivered on: 27.07.2018

+ CRL.REV.P. 506/2017

CDR BRIJ MOHAN LAL KHEMCHAND CHHABRA

..... Petitioner

versus

STATE AND OTHERS

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Rakesh Kumar Sharma, Advocate.

For the Respondents : Ms. Neelam Sharma, APP for State.  
Mr. Shaildev Dahiya, Advocate for R-2 & 3 with R-2 and 3 in person.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

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**27.07.2018**

**SANJEEV SACHDEVA, J. (ORAL)**

**CRL.REV.P. 506/2017 & CrI.M.(Bail) 1292/2017 (suspension of sentence)**

1. Petitioner impugns order dated 15.07.2017 of the Appellate Court, whereby, the appeal filed by the petitioner impugning the Order on Conviction dated 20.10.2016 and Order on Sentence dated 22.11.2016, passed by the Trial Court, has been dismissed.

2. The petitioner was convicted for an offence under Section 138 of the

Negotiable Instrument Act, 1881. The complaint was filed in respect of a cheque in the sum of Rs.2,00,000/-.

3. The parties have entered into a settlement with regard to the subject cheque as well as the other disputes between the parties and the total sum of Rs.10,00,000/- has been agreed to be paid to the respondent No.2.

4. It is informed that a sum of Rs.2,00,000/- already stands deposited with this Court, in terms of order dated 19.07.2017. A sum of Rs.8,00,000/- has been paid to the respondent Nos.2 & 3, who are present in Court in person and represented by counsel, by way of the following four Demand Drafts:-

- (i) Demand Draft No.091053 dated 21.07.2018 issued by Standard Chartered Bank for Rs.2,00,000/-
- (ii) Demand Draft No.091055 dated 21.07.2018 issued by Standard Chartered Bank for Rs.2,00,000/-
- (iii) Demand Draft No.091052 dated 21.07.2018 issued by Standard Chartered Bank for Rs.2,00,000/-
- (iv) Demand Draft No. No.091051 dated 21.07.2018 issued by Standard Chartered Bank for Rs.2,00,000/-

5. It is agreed that the amount of Rs.2,00,000/-, deposited with this Court along with interest be apportioned in the following manner:-

- (i) Rs.30,000/- being 15% of the cheque amount be deposited as cost, in terms of the Judgment of the Supreme Court in *Damodar S.Prabhu versus Sayed Babalal H.*, 2010(5) SCC 663 with the Delhi State Legal Service Authority and;

(ii) the balance amount of Rs.1,70,000/- along with interest accrued on the said amount of Rs.2,00,000/- be released in favour of the respondent No.2/the complainant.

6. Out of the amount deposited by the petitioner in terms of order dated 19.07.2017, the Registry is directed to remit an amount of Rs.30,000/- to the Delhi State Legal Services Authority towards costs in terms of judgment in *Damodar S Prabhu (supra)*. The balance amount along with interest accrued thereon be released in favour of the respondent No.2.

7. The petitioner undertakes that he shall pay a further sum of Rs.30,000/- to respondent No.2 within one week from today by way of a pay order.

8. The undertaking given by the petitioner is accepted. He shall pay the said amount within a period of one week to the respondent No.2 and file in the Registry the receipt of the payment of the balance amount to the respondent No.2.

9. In view of the above settlement, the subject offence is compounded. The petitioner is acquitted of the said offence. Petition is disposed of in the above terms.

10. Order Dasti under signatures of the Court Master.

**SANJEEV SACHDEVA, J**

**JULY 27, 2018**  
**st**