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

+ **CRL.REV.P. 566/2017**

HIMANSHU KUMAR @ VICKY Petitioner

Through: Mr. A.P. Mohanty, Advocate.

versus

STATE & ANR Respondents

Through: Mr. Arun Kumar Sharma, APP for
State.

Mr. Dilip Kumar Jha, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **30.01.2018**

**CRL.REV.P. 566/2017 & Crl.M.(Bail) 1423/2017 (for suspension
of sentence)**

1. The petitioner impugns judgment dated 11.01.2017 and sentence order dated 22.07.2017 holding the petitioner guilty of an offence under Section 138 of the Negotiable Instrument Act, 1881 and sentencing the petitioner to undergo simple imprisonment for six months and pay a sum of Rs.6,00,000/- as compensation to the respondent and, in default, to further undergo simple imprisonment for a further period of six months.

2. The parties have settled their disputes and pray that the offence be compounded under Section 147 of the Negotiable Instrument Act, 1881. It is agreed between the petitioner and the respondent No.2 that the petitioner shall pay a sum of Rs.5,77,500/- in full and final settlement of all claims of the respondent towards the cheque amount.

3. It may be noticed that the cheque amount in issue was of Rs.3,00,000/-.
4. In terms of the guidelines, as laid down by the judgment of the Supreme Court in *Damodar S. Prabhu vs. Sayed Babalal*: (2010) 5 SCC 663, the petitioner shall pay a sum of Rs.45,000/- as costs to the Delhi High Court Legal Services Committee.
5. The petitioner has already deposited a sum of Rs.6,00,000/- with the Registrar General of this Court, in terms of order dated 03.08.2017.
6. In view of the settlement between the parties, the Registry is directed to release the sum of Rs.5,55,000/- in favour of respondent No.2 and the balance sum of Rs.45,000/- be paid as costs to the Delhi High Court Legal Services Committee. The Petitioner shall pay the balance sum of Rs. 22,500/- to Respondent No. 2 within two weeks from today.
7. In terms of the above, the offence is compounded under Section 147 of the Negotiable Instrument Act, 1881. The petitioner is, accordingly, acquitted. Bail bond furnished by the petitioner is discharged.
8. Order *Dasti* under the signatures of the Court Master.

JANUARY 30, 2018
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SANJEEV SACHDEVA, J