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

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Judgment delivered on: 15.05.2018

+ CRL.REV. P. 483/2015

PAWAN KUMAR

..... Petitioner

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms Perna, Advocate.

For the Respondents : Mr Mukesh Kumar, APP for the State.
Mr Brijesh Kumar Gupta for R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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15.05.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 483/2015 & CrI.M.B.7520/2015(suspension of sentence), CrI.M.A.4692/2018(additional facts)

1. Petitioner impugns judgment dated 01.08.2015 passed by the Appellate Court upholding the Order on Conviction dated 21.05.2014 and Order on Sentence dated 26.05.2014 passed by the Trial Court in the Complaint Case under Section 138 of the Negotiable Instruments Act, 1881.

2. Petitioner was convicted of the said offence and sentenced to

undergo Simple Imprisonment of three months and directed to pay compensation of twice the cheque amount, i.e. Rs.4,00,000/- within a period of 30 days (cheque amount being Rs.2 lakh) and in default of payment of compensation amount, to further undergo Simple Imprisonment for 18 months.

3. This Sentence was modified to the limited extent by the Appellate Court and in default sentence was reduced to Simple Imprisonment of six months.

4. Parties have settled their disputes and accordingly, respondent No.2 had agreed to receive a total amount of Rs.3,00,000/- towards full and final settlement of all his claims.

5. Respondent No.2 is stated to be unwell and is represented through her husband, Shri B.L.Singhal, who has produced a Special Power of Attorney dated 14.05.2018, which is taken on record. Her husband confirms that she has received the settlement amount and has no objection to the compounding of the said offence.

6. In exercise of the powers conferred under Section 147 of the Negotiable Instruments Act, 1881, the subject offence is compounded, subject to petitioner depositing 15% of the cheque amount, i.e. Rs.30,000/- with the Delhi State Legal Services Authority in terms of the judgment of the Supreme Court in *Damodar S.Prabhu versus Sayed Babalal H.*, 2010(5) SCC 663, the said amount be deposited

within a period of two weeks from today and receipt of deposit of the said amount be furnished to the Trial Court within three weeks from today.

7. In view of the above, the Petition is disposed of. The subject offence is compounded. The petitioner is acquitted of the said offence.

8. Consequently, the security deposited by the petitioner with the Registrar General of this Court is discharged and the original security be returned to the petitioner.

9. Order Dasti under signatures of the Court Master.

MAY 15, 2018

Sd/

SANJEEV SACHDEVA, J