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

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Judgment delivered on: 30.10.2018

+ CRL.REV.P. 672/2017

JAGJEET SINGH

..... Petitioner

versus

SAJJAN SINGH

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sandeep Thukral, Advocate.

For the Respondent : None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

30.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order on conviction dated 17.04.2017 as well as order on sentence dated 25.04.2017 whereby the petitioner has been convicted of an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo an imprisonment for a period of four months as also to pay an amount of Rs. 1,80,000/- as compensation and in default to further undergo an imprisonment for a period of three months.

2. The cheque amount was of Rs. 90,000/-. Parties have settled their disputes. As per the settlement, the petitioner has agreed to pay a total amount of Rs. One lakh in full and final settlement of all the claims of the respondent. The said amount of Rs. One lakh has already been paid.

3. Respondent had appeared before the Court on 01.02.2018 and 13.08.2018. Parties had stated that they had settled their disputes and the petitioner had agreed to pay a total sum of Rs.1,00,000/- to the respondent in full and final settlement of his entire amount. Said amount of Rs.1,00,000/- has already been paid and same was acknowledged by the respondent on 13.08.2018. Respondent has stated that he has no objection to the compounding of the subject offence.

4. By order dated 13.08.2018, petitioner was directed to deposit cost equivalent to 15% of the cheque amount with Delhi State Legal Services Authority in terms of the judgment of the Supreme Court in *Damodar S. Prabhu vs. Sayyad Babulal*: (2010) 5 SCC 663. The cheque was of Rs.90,000/-.

5. Learned counsel for the petitioner has produced the original receipt evidencing the fact that the sum of Rs.13,500/- has been deposited with the Delhi State Legal Services Authority on 25.10.2018. Copy of the same has been taken on record.

6. In view of the fact that the petitioner has settled with the respondent and paid the settlement amount and also deposited the cost in terms of the judgment in *Damodar S. Prabhu (supra)*, subject offence is compounded. The impugned order on conviction dated 17.04.2017 and also order on sentence dated 25.04.2017 are set aside. Petitioner is acquitted of the said offence.

7. Petition is disposed of in the above terms.

8. Order *Dasti* under the signature of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 30, 2018
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