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

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Judgment delivered on: 21.02.2018

+ **CRL.REV. P. 738/2017**

MADAN LALA

..... Petitioner

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. M.K.Vashisht and Mr S.K.Ali, Advocates with petitioner in person.

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

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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21.02.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 738/2017 & CrI.M.B.1723/2017(suspension of sentence)

1. The petitioner impugns judgment dated 12.09.2017, whereby Appeal of the petitioner impugning judgment dated 25.07.2016 holding the petitioner guilty of offence under Section 138 of the Negotiable Instruments Act, 1881 and the Order on Sentence dated 31.08.2016 sentencing the petitioner to undergo Simple Imprisonment for a period of six months and to pay compensation of Rs.6 lakhs to

the complainant and, in default, to further undergo Simple Imprisonment for a period of three months, was rejected.

2. Learned counsels for the parties submit that the parties have settled their disputes and petitioner has agreed to pay a total sum of Rs.5 lakhs to the complainant towards full and final settlement of all his claims. The subject cheque was of Rs.4 lakhs.

3. Learned counsel for the petitioner informs that a sum of Rs.1 lakh has been deposited with the Trial Court and Rs.4 lakhs has been deposited with the Registry of this Court.

4. Learned counsels for the parties submit that since the parties have settled, the offences may be compounded.

5. Learned counsel appearing for respondent No.2, under instructions from respondent No.2, who is present in person in Court today, submits that he is agreeable to compounding of the offence and receiving the amount of Rs.5 lakhs towards full and final settlement of all his claims.

6. On the petitioner paying a sum of Rs.5 lakhs to the respondent – complainant, the subject offence is compounded.

7. In terms of the judgment of the Supreme Court in *Damodar S.Prabhu versus Sayed Babalal H.*, (2010) 5 SCC 663, 15% of the cheque amount is to be paid to the Delhi State Legal Services

Authority.

8. Accordingly, it is directed that the sum of Rs.1 lakh deposited with the Trial Court along with the accrued interest, if any, be released to the respondent – complainant, by the Trial Court. A sum of Rs. 60,000/- representing 15% of the cheque amount be paid by the Registry of this court to the Delhi State Legal Services Authority from the amount of Rs.4 lakhs deposited by the petitioner with this Court.

9. The balance sum of Rs.3,40,000/- along with interest accrued on the deposit of Rs.4 lakhs be released by the Registry of this Court in favour of the respondent/complainant. The petitioner shall also pay to the complainant a sum of Rs.60,000/- within a period of four weeks from today.

10. The petitioner, who is present in person in Court today, undertakes that the said amount of Rs. 60,000/- shall be paid to the respondent within four weeks. His undertaking is accepted.

11. In view of the above, the subject offence is compounded and the petitioner is acquitted.

12. The petition stands disposed of in the above terms.

13. Order *Dasti* under signatures of the Court Master.

FEBRUARY 21, 2018/‘Sn’

SANJEEV SACHDEVA, J