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

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Judgment delivered on: 12.03.2018

+ CRL.REV.P. 741/2017

DR. RAVI PRAKASH

..... Petitioner

versus

STATE & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Ashwin Vaish with Mr. Vinod Pandey, Mr. Sekh Zakir Hussain and Mr. Kunal Awana, Advocates.

For the Respondents : Ms. Anita Abraham, APP for the State.
Mr. Ravinder Zadav, Advocate for respondent No.2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

12.03.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.4611/2018 (for early hearing)

For the reasons stated in the application and with the consent of the parties, the date is advanced. The petition is taken up for hearing today.

CRL.REV.P. 741/2017

1. The petitioner seeks quashing of order dated 25.09.2017, passed by the Appellate Court rejecting the appeal of the petitioner against judgment dated 08.08.2017 and Order on Sentence Dated 10.08.2017 holding the petitioner guilty of an offence under Section 138 of the

Negotiable Instrument Act and directing the petitioner to undergo simple imprisonment for a period of two years and to pay a compensation of Rs.26,50,000/- and in default to further undergo simple imprisonment for a period of six months.

2. Learned counsel for the petitioner submits that the parties have settled their disputes and the respondent has agreed to take a total sum of Rs.23,00,000/- in full and final settlement of all his claims. A sum of Rs.15,00,000/- has been deposited with this Court. A sum of Rs.4,00,000/- has already been paid to the respondent on 10.03.2018 and the balance sum of Rs.4,00,000/- has been paid to the respondent in Court today in cash, the receipt of which is acknowledged by respondent No. 2/the complainant, who is present in Court and is identified by his counsel.

3. Learned counsel for the respondent No.2 submits that the respondent No.2 has settled the disputes with the petitioner and is agreeable to the compounding of the said offence under Section 147 of the Negotiable Instrument Act, 1881.

4. In terms of the judgment of the Supreme Court in *Damodar S. Prabhu versus Sayed Babalal H.*, (2010) 5 SCC 663, the petitioner shall be liable to pay 15% of the cheque amount of Rs. 15,00,000/- to the Delhi State Legal Services Authority, which works out to Rs.2,25,000/-.

5. Accordingly, it is directed that out of the sum of Rs.15,00,000/-

deposited by the petitioner with this Court, the Registry shall deposit a sum of Rs.2,25,000/- with the Delhi State Legal Services Authority and the balance amount of Rs.12,75,000/- along with interest accrued on the fixed deposit, if any, be released in favour of the respondent No.2.

6. The petitioner, who is present in Court, undertakes that within a period of one week, he shall transfer the balance sum of Rs.2,25,000/- to the account of respondent No.2. The undertaking is accepted.

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

8. Order Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

March 12, 2018
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