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

+ **CRL.REV.P. 773/2017**

MAHENDER SINGH RAJPUROHIT Petitioner

Through **Mr. Amit Goel, Advocate.**

versus

M/S VEE PEE INTERNATIONAL PVT LTD Respondent

Through **Mr. Rajeev Garg, Advocate.**
Mr. Mukesh Kumar, APP.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **11.01.2018**

**CRL.REV.P. 773/2017 & CrI.M.A.382/2018 (under Section 482
Cr.P.C. for disposal on the basis of compromise)**

1. The petitioner seeks quashing of judgment dated 06.09.2017, passed by the Court of Special Judge (P.C. Act), CBI, East District, Karkardooma Courts, Delhi in Criminal Appeal Nos.116/2017 and 117/2017 rejecting the appeal against judgement dated 23.06.2017 and order dated 24.06.2017 in CC No.52896/2016 and 53527/2016 under Section 138 of the Negotiable Instrument Act, 1881.

2. By the impugned judgment, the petitioner was convicted of having committed an offence under Section 138 of Negotiable Instrument Act, 1881 in the complaint cases. In the complaint case No.52896/2016, the petitioner was sentenced to simple imprisonment of four months and fine of Rs.25,00,000/- and, in default, further

simple imprisonment of four months and, in the other complaint case No.53527/2016, the petitioner was awarded a sentence of simple imprisonment of six months and fine of Rs.45,00,000/- and, in default, further simple imprisonment of six months. Out of the said amount of Rs.25,00,000/- and Rs.45,00,000/- respectively, a sum of Rs.10,000/- as fine was to be paid to the State. Both the sentences were to run concurrently, as directed by the Supreme Court by its order dated 11.12.2017.

3. The petitioner has already undergone a period of four months and four days and has earned remission of 23 days. As per the Nominal Roll received in Court (which is taken on record), the unexpired portion of the sentence of the petitioner is one month and three days only in the second case i.e. CC No.53527/2016.

4. The petitioner has settled the disputes with the respondent. Consequent to which, a sum of Rs.7,00,000/- was agreed to be paid to the respondent, which has been fully and finally paid. The same is acknowledged by the learned counsel for the respondent. Learned counsel for the respondent submits that he does not wish to prosecute the proceedings any further and waives his right to claim the balance compensation amount.

5. Since the petitioner has settled the disputes with the respondent and the respondent waives his claim for the balance compensation amount and further, that the petitioner has already undergone complete sentence in one case i.e. CC No.52896/2016 and only one

month and three days are remaining in the other case i.e. CC No.53527/2016, and keeping in view the facts of the case, I am of the view that it would be expedient, and in the interest of justice, to reduce the sentence in the complaint case CC No.53527/2016 to the period already undergone. The petitioner shall, however, deposit a sum of Rs.20,000/-, which is the fine payable to the State. Learned counsel for the petitioner submits that the petitioner shall deposit the fine amount of Rs.20,000/- during the course of the day.

6. In view of the above, the petition is allowed. The sentence in CC No.53527/2016 is reduced to the period already undergone. The petitioner shall deposit the fine amount of Rs.20,000/- with the concerned trial Court during the course of the day. On receipt of the deposit of the fine amount, the petitioner shall be released in this case provided he is not required in some other case.

7. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 11, 2018
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