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

+ CRL.REV.P. 277/2019

RAVI RAJ

..... Petitioner

Through

Mr. Vidya Bhushan with Mr. Ram
Nath, Advocates.

versus

SH. SIMARPREET SINGH

..... Respondent

Through

Mr. Mohd. Azharuddin, Advocate
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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11.03.2019

Crl.M.A.5174/2019 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.REV.P. 277/2019 & Crl.M.(Bail) 456/2019 (for suspension of sentence)

1. Petitioner impugns judgment dated 28.01.2019, whereby, appeal of the appellant impugning judgment of conviction dated 28.11.2018 and order on sentence dated 21.12.2018 has been dismissed.

2. Petitioner has been convicted of an offence under Section 138 Negotiable Instrument Act, 1881 and sentenced to undergo 3 months rigorous imprisonment and to pay compensation of Rs.2,25,000/- to the respondent and in default to undergo 30 days simple imprisonment. Subject Cheque was of Rs.2 lakhs.

3. Learned counsel for the petitioner submits that the petitioner

has settled with the respondent and the respondent has agreed to accept the total amount of Rs.2,25,000/- in full and final settlement of all his claims. He submits that the entire amount of Rs.2,25,000/- has already been paid.

4. Respondent is present in Court in person and represented by counsel. Respondent has also filed his affidavit stating that he has received the entire amount of Rs.2,25,000/- and has no objection to the compounding of the subject offence.

5. Learned counsel for the petitioner submits that the petitioner is a *Safai Karamchari* and does not have sufficient means to pay cost equivalent to 15% of the cheque amount to 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. He prays for time to move an application seeking reduction/waiver of cost.

6. List on 13.05.2019.

7. In the meantime, subject to petitioner furnishing a bail bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Trial Court, remaining sentence of the petitioner shall remain suspended till the next date of hearing.

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

SANJEEV SACHDEVA, J

MARCH 11, 2019
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