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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 337/2019, CRL.M.(BAIL) 531/2019 and Crl.M.A. 6126/2019**

OMVIR SINGH Petitioner
Through: Mr. Praveen Singh, Mr. Balendra Prasad Tiwari, Advocates.
Versus

STATE & ANR Respondents
Through: Mr. Izhar Ahmad, Additional Public Prosecutor for State.
Mr. Ajay Kumar Rawal, Advocate with Respondent No. 2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **20.03.2019**

Crl.M.A. 6127/2019 (Exemption)

Allowed, subject to all just exceptions.

Crl.M.A. 6128/2019 (delay)

There is delay of 229 days in filing the accompanying petition.

Learned Additional Public Prosecutor accepts notice on behalf of respondent-State and Mr. Ajay Kumar Rawal, Advocate accepts notice on behalf of Respondent No. 2.

Upon hearing, I find that averments made in the instant application provide sufficient cause to condone the delay occasioned. The application is allowed and the delay stands condoned.

The application is disposed of.

CRL.REV.P. 337/2019 and Crl.M.A. 6126/2019

Proceedings under Section 138 of Negotiable Instruments Act, 1881 against petitioner have culminated into his conviction for the aforesaid offence and trial court vide order of 13th November, 2017, has sentenced petitioner to simple imprisonment for one year and has directed petitioner to pay compensation of ₹1,75,000/- and in default thereof, petitioner has to undergo simple imprisonment for a period of four months. Appellate Court vide order of 28th April, 2018 has upheld trial court's order. Alongwith this Revision Petition an application for compounding of offence under Section 138 of Negotiable Instruments Act, 1881 has been filed.

Upon notice, Mr. Ajay Kumar Rawal, Advocate for respondent No. 2 submits that respondent No. 2 is present in the Court and on his instructions, learned counsel submits that respondent No. 2 is ready to get the offence in question compounded and is ready for substitution of sentence with the compensation of ₹1,81,000/-. It is stated that out of the settled amount of ₹1,81,000/-, a sum of ₹50,000/- by way of cheque and ₹20,000/- in cash has been handed over to second respondent by petitioner and he has accepted it.

Fifteen days time is sought by petitioner's counsel to pay the balance settled compensation of ₹1,11,000/- to respondent No. 2, which is acceptable to second respondent.

In the light of aforesaid, trial court's judgment and appellate court's judgment are modified to the extent that the substantive sentence awarded to petitioner is substituted with total compensation of ₹1,81,000/-. In default thereof, petitioner shall undergo simple

imprisonment of six months.

A part of settled compensation has been accepted by respondent No. 2, who is present in Court. He submits that subject to encashment of the aforesaid cheque and payment of the balance amount of ₹1,11,000/- to him by petitioner within a week, this petition be disposed of in terms of the aforesaid compounding.

Accordingly, it is directed that petitioner be released from jail, provided the cheque of ₹50,000/- tendered on behalf of petitioner is encashed and upon payment of balance compensation of ₹1,11,000/- to respondent No. 2 within two weeks from today.

This revision petition and application are accordingly disposed of in aforesaid terms.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 20, 2019
p'ma