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

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Judgment delivered on: 23.05.2019

+ CRL.REV.P. 392/2019 & CrI.M.(Bail) 617/2019

THE STATE (NCT OF DELHI)

..... Petitioner

versus

SURESH GAUTAM & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Ashok Taneja, Advocate with petitioner in person.

For the Respondent : Ms. Meenakshi Dahiya, APP for the State.
Mr. Ashok Kumar Jha, Advocate for respondent No.2 with respondent No.2 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 30.03.2019, whereby, the appeal filed by the petitioner, impugning order dated 08.12.2017, has been dismissed.

2. Petitioner has been convicted of an offence under Section 138 Negotiable Instrument Act, 1881 and sentenced to undergo simple imprisonment for a period of three months and to pay fine of Rs.2,50,000/- and in default to undergo farther imprisonment of six

months. Subject Cheque is of Rs. 2,00,000/-

3. Parties have settled their disputes. Petitioner has agreed to pay a total sum of Rs.3 lakhs in full and final settlement of all claims of the respondent.

4. Respondent No.2, who is present in Court in person and is represented by counsel, submits that the settlement has taken place and he is willing to accept Rs.3 lakhs in full and final settlement of all his claims. He submits that he has no objection to the compounding of the subject offence.

5. A sum of Rs. 2,50,000/- has already been paid to respondent No.2. Balance amount of Rs.50,000/- has been paid vide pay order No.682688 dated 20.05.2019 drawn on Corporation Bank in Court today. Respondent No.2 confirms that he has settled with the petitioner and has received the entire settlement amount and has no objection to the compounding of the subject offence.

6. Petitioner has deposited the cost of Rs.30,000/- with the Delhi State Legal Services Authority being 15% of the cheque amount in terms of the judgment of the Supreme Court in *Damodar S.Prabhu, Vs. Syed Babulal (2010) 5 SCC 663*. Copy of the Receipt of deposit of costs is on record. Original has been produced in court.

7. In view of the settlement between the parties and payment of the entire settlement amount by the petitioner to the respondent and

the deposit of costs with legal aid, subject offence is compounded.
Petitioner is acquitted of the said offence.

8. Petition is allowed in the above terms.

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

MAY 23, 2019

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SANJEEV SACHDEVA, J

