

\$~3

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

%

Judgment delivered on: 29.05.2019

+ CRL.REV.P. 622/2019

RAVI KAPOOR

..... Petitioner

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Archana Sharma with Mr. Pawan Kumar and Mr. Kuldeep Sharma, Advs.

For the Respondent : Ms. Meenakshi Dahiya, APP for the State.
Mr. Saurabh Arora, the Executive of the respondent No.2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 622/2019 & Crl.M.(Bail) 944/2019 (for suspension of sentence) & Crl.M.A.11205/2019 (for condonation of delay)

1. Petitioner impugns judgment dated 31.10.2017, whereby, the appeal of the petitioner, impugning order of conviction dated 30.03.2017 and order on sentence dated 22.06.2017, has been dismissed.

2. Petitioner has been convicted of an offence under Section 138 Negotiable Instrument Act, 1881 and sentenced to undergo simple imprisonment of 6 months and to pay compensation of Rs.4,00,000/- and in default to further undergo simple imprisonment of 6 month.

3. Subject cheque in issue was of Rs.3,94,683/-.

4. Learned counsel for the petitioner submits that apart from the present complaint, two other complaints have been filed by the respondent for cheque of Rs.7,50,596/- and Rs.6,92,937/- in which also similar orders of conviction have been passed.

5. Learned counsel for the petitioner submits that settlement has been arrived at with the complainant in all the three matters and a Settlement Agreement dated 18.09.2018 has been executed between the parties.

6. Learned counsel for the petitioner submits that it has been agreed that a total sum of Rs.19 lakhs shall be paid in full and final settlement of all claims of the respondent/complainant in all the three cases. The entire amount of Rs.19 lakhs has been paid.

7. On 24.05.2019, Mr. Saurabh Arora, the Executive of the respondent No.2 complainant was present in Court in person. He has produced copy of the Resolution of the Board of Directors authorising him to appear in the High court for giving the statement recording settlement in the above matters. Original Resolution of the Board of Directors has been produced in Court.

8. Mr. Saurabh Arora confirms that respondent No.2 complainant has received the entire amount of Rs.19 lakhs and has no further claim against the petitioner qua the said cheque and respondent No.2 complainant has no objection to the compounding of the subject offence.

9. Petitioner has deposited the costs equivalent to 15% of the cheque amount i.e. Rs.59,202/- with the Delhi High Court Legal Services Committee in terms of the judgment of the Supreme Court in *Damodar S. Prabhu, Vs. Syed Babulal (2010) 5 SCC 663*. Receipt of deposit of costs has been produced in Court. The same is taken on record.

10. In view of the settlement between the petitioner and the complainant and payment of the entire settlement amount and deposit of the costs equivalent to 15% of the cheque amount, subject offence is compounded. Petitioner is acquitted of the subject offence.

11. Petition is allowed in the above terms.

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

MAY 29, 2019
st

SANJEEV SACHDEVA, J