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

% Judgment delivered on: 01.02.2019

+ CRL.REV.P. 437/2018

RAKESH KUMAR

..... Petitioner

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Robin George with Mr. Mohd. Zeeshan Ansari,
Advocates with petitioner in person.

For the Respondents: Ms. Meenakshi Dahiya, APP for the State.
Mr. H.S. Dhawan, Advocate for respondent No.2
with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 437/2018 & CrI.M.(Bail) 819/2018 (for suspension of sentence), CrI.M.A.2367/2019 (joint application along with settlement)

1. Petitioner impugns order dated 05.05.2018, whereby, the appeal of the petitioner, impugning order of conviction dated 22.12.2017 and order on sentence dated 23.12.2017, has been dismissed.

2. Petitioner has been convicted of an offence under Section 138 Negotiable Instrument Act, 1881 and sentenced to undergo simple

imprisonment of 3 months and to pay compensation of Rs.2,50,000/-, failing which to undergo simple imprisonment of 15 days.

3. Petitioner has deposited the said amount of Rs.2,50,000/- with the Trial Court on 23.05.2018.

4. Subject cheque was of Rs.1,60,000/-.

5. Parties have settled their disputes. As per the settlement, petitioner has agreed to pay a sum of Rs.2,50,000/- to the complainant in full and final settlement of all claims of the complainant.

6. The complainant is present in Court in person and also represented by counsel. He submits that he has no objection to the compounding of the subject offence on receipt of the amount of Rs.2,50,000/-.

7. In furtherance to the settlement agreement, parties have now agreed that the petitioner shall pay costs equivalent to 15% of the cheque amount to Delhi State Legal Services Authority for compounding, in terms of the judgment of the Supreme Court in *Damodar S. Prabhu, Vs. Syed Babulal (2010) 5 SCC 663*.

8. Accordingly, it is directed that out of the amount of Rs.2,50,000/-, deposited by the petitioner with the Trial Court, a sum of Rs.24,000/- be remitted by the Trial Court to the Delhi State Legal Services Authority as costs for compounding of the subject offence in terms of the judgment of the Supreme Court in *Damodar S. Prabhu*,

Vs. Syed Babulal (2010) 5 SCC 663.

9. The balance amount along with interest, if any accrued thereon, be released to the complainant by the Trial Court.

10. Petitioner undertakes that he shall pay Rs.24,000/- to the complainant within a period of one week from today. The undertaking is accepted.

11. In view of the above, subject offence is compounded. Impugned Orders dated 05.05.2018 as also orders dated 22.12.2017 and 23.12.2017 are set aside. Petitioner is acquitted of the offence.

12. Petition is allowed in the above terms.

13. Order *Dasti* under the signature of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 01, 2019
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