

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: April 24, 2019

+ **CRL.REV.P. 460/2018 & CrI.M.A. 32739/2018**
SANJAY KUMAR JHA Petitioner
Through: Mr. Sunil Kumar Alok & Mr.
Ranjan Roy, Advocates

Versus
MADAN LAL Respondent
Through: Nemo.

+ **CRL.REV.P. 461/2018 & CrI.M.A. 32738/2018**
SANJAY KUMAR JHA Petitioner
Through: Mr. Sunil Kumar Alok & Mr.
Ranjan Roy, Advocates
Versus
MAHAVIR Respondent
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
(ORAL)

In the above captioned two petitions the challenge is to petitioners' conviction under Section 138 of Negotiable Instruments Act, 1881 and sentence of simple imprisonment for six months and fine of ₹2,10,000/- each with default clause in the two complaints under Section 138 of Negotiable Instruments Act, 1881 relating to dishonouring of cheque of ₹1,50,000/- each.

Learned counsel for petitioner submits that these two petitions are required to be heard together. Accordingly, these petitions have been heard together and are being disposed of by this common order.

Attention of this Court is drawn by petitioner's counsel to the order of 29th May, 2018 wherein it is recorded that respondents-complainants have settled the subject matter of these cheques with petitioner and they have no objection to the compounding of the offence in question, as they have received full amount. Compounding offence in question is sought by petitioners while relying upon Supreme Court's decision in '*Damodar S. Prabhu Vs. Sayed Babalal H.* (2010) 5 SCC 663.

Vide last order of 8th February, 2019 petitioners had sought time to pay costs in terms of the Supreme Court's decision in *Damodar S. Prabhu (Supra)*. Today copy of the receipt of payment of costs has been placed on record. In light of the guidelines laid down by Supreme Court in *Damodar S. Prabhu (Supra)*, the offence in question stands compounded in view of the order of 29th May, 2018 wherein no objection of the respondents is recorded. Since the costs have already been deposited in terms of the Supreme Court's decision in *Damodar S. Prabhu (Supra)*, therefore, the impugned orders are hereby set aside

Accordingly, both these petitions and applications are disposed of, while compounding the offence in question.

(SUNIL GAUR)
JUDGE

APRIL 24, 2019
p'ma