

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

Date of Order: January 16, 2019

+ **CRL.M.C. 2426/2017 & CRL.M.A.9780/2017**

SHASHI SHEKHAR SEEM

.....Petitioner

Through: Mr. Kunal Kalra, Advocate

versus

STATE & ANR

.....Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State
Mr. Nitesh Kumar Singh,
Ms. Neha and Ms.Savita,
Advocates for respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Impugned order of 29th April, 2017 (*Annexure P-1*), allows the application under Section 421 Cr.P.C. of the respondent-claimant and holds that the compensation amount payable is still recoverable despite petitioner having undergone the sentence in default of payment of compensation.

Learned counsel for petitioner submits that petitioner was under *bona fide* impression that once sentence in default of payment of compensation is undergone, then compensation is not payable. Learned counsel for respondent draws attention of this Court to recent decision of

Supreme Court in *Kumaran vs. State of Kerala & Anr.* (2017) 7 SCC 471 to support the impugned order.

Upon hearing and on perusal of impugned order, material on record and the decision cited, it appears that petitioner was under the *bona fide* impression that once the sentence in default of payment of compensation is undergone, then he is not liable to pay compensation. To secure the ends of justice, it is deemed equitable to permit petitioner to get the revision petition No. 322/2010 revived for hearing on merits within six weeks from today. If it is not so done, then impugned order shall operate.

In view of aforesaid observations, this petition and the application are accordingly disposed of.

JANUARY 16, 2019

v

**(SUNIL GAUR)
JUDGE**

सत्यमेव जयते