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

% Judgment delivered on: 15.05.2019

+ CRL.REV.P. 442/2017 & CrI.M.(Bail) 1120/2017 (for
suspension of sentence)

DALIP KUMAR GUPTA

..... Petitioner

versus

THE STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Brijballabh Tiwari and Mr. Firoz Khan, Advs.

For the Respondent : Mr.Hirein Sharma, Addl. PP for the State

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 09.06.2017 whereby appeal of the petitioner impugning order on conviction dated 26.11.2015 and order on sentence dated 28.11.2015 was dismissed.

2. Petitioner was convicted of an offence punishable under Section 138 of the Negotiable Instruments Act and has been sentenced to undergo 45 days' simple imprisonment and to pay Rs. 3,75,000/- in default to undergo one month further simple imprisonment.

3. Parties had settled their disputes on 28.07.2017. The statements of the parties were recorded that the petitioner shall pay a total sum of Rs. 3,75,000/- in full and final settlement of all the claims of the respondent. A sum of Rs. 2,70,000/- had already been paid and the balance sum of Rs. 1,05,000/- was paid to the respondent in court on 13.05.2019.

4. Further, on 13.05.2019, Respondent no. 2 was present in Court in person and represented by his counsel. He submitted that he had received the entire sum of Rs. 3,75,000/-. He further submitted that he had no objection to the compounding of the subject offence.

5. Petitioner had sought time to deposit the cost of Rs. 52,500/- in favour of Delhi State Legal Service Authority in terms of the judgment of the Supreme Court in *Damodar S. Prabhu, Vs. Syed Babulal H (2010) 5 SCC 663*.

6. Learned counsel for the petitioner has produced the original receipt dated 14.05.2019 evidencing deposit of cost in the sum of Rs. 52,500/- in favour of Delhi State Legal Service Authority. Copy of the receipt is taken on record.

7. In view of the petitioner having settled with the respondent and having paid the entire settlement amount and also depositing the cost of Rs. 52,500/- (being costs equivalent to 15% of the cheque amount) to the Delhi State Legal Service Authority in terms of the judgment of the Supreme Court in *Damodar S. Prabhu (supra)*, the

subject offence is compounded. The petitioner is acquitted of the said offence.

8. Petition is accordingly disposed of in the above terms.

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

MAY 15, 2019

'rs'

SANJEEV SACHDEVA, J

