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

% Judgment delivered on: 16.05.2019

\+ CRL.REV.P.510/2017 & Crl.M.A.5365/2019

\+ CRL.REV.P.511/2017 & Crl.M.A.5369/2019

\+ CRL.REV.P.512/2017 & Crl.M.A.5363/2019

\+ CRL.REV.P.513/2017 & Crl.M.A.5355/2019

\+ CRL.REV.P.514/2017 & Crl.M.A.5351/2019

\+ CRL.REV.P.515/2017 & Crl.M.A.5358/2019

\+ CRL.REV.P.516/2017 & Crl.M.A.5353/2019

\+ CRL.REV.P.517/2017 & Crl.M.A.5367/2019

SURAJ BHAN KATARIA ..... Petitioner

versus

STATE GOVT OF NCT OF DELHI & ANR. ..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr.R.K.Bachchan, Adv.

For the Respondent : Ms.Meenakshi Dahiya, Addl. PP for the State

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns judgments all dated 11.07.2017 whereby appeals of the petitioner impugning orders on conviction all dated

08.08.2016 and orders on sentence dated 29.08.2016 have been dismissed.

2. The petitioner has been sentenced to undergo SI for a period of six months and to pay compensation to the respondent no. 2, in default to further undergo SI of one month in each of the case. In all the cases, the petitioner was directed to pay a total compensation amount of Rs. 43 lakhs (approx.). The amount of the subject cheques involved is Rs. 31 lakhs.

3. The petitioner has settled the dispute with respondent no.2 for a full and final settlement amount of Rs. 21,75,000/-. Petitioner had paid the entire amount of Rs.21,75,000/- to respondent No.2.

4. On 30.08.2018, respondent No.2 was present in person and she had accepted the settlement terms and had acknowledged that she had received the entire settlement amount and had given her no objection for compounding of the subject offence. She had undertaken to withdraw the civil suit for recovery filed by her against the petitioner.

5. Learned counsel for the petitioner submits that the said civil suit has already been withdrawn by her.

6. Application has been filed by the petitioner seeking waiver of costs which are liable to be imposed in terms of the judgment of the Supreme Court in *Damodar S. Prabhu versus Sayed Babalal H., (2010) 5 SCC 663*. It is contended in the application and the additional

affidavit filed in support thereof that petitioner is living in a rented accommodation with his wife and two children aged 9 years and 12 years, all of whom are dependent on the petitioner. It is further submitted that the petitioner does not have a regular job and was initially taking tuition classes and since he did not have enough students had to close the same and is presently doing odd jobs on daily wage basis.

7. It is submitted that all his funds and savings have been spent in payment of the settlement amount. He is the sole bread earner of the family and was constrained to settle to avoid incarceration, which would have pushed his family into penury.

8. SHO, P.S.Tilak Nagar was directed to conduct an enquiry into the financial status of the petitioner. Report dated 05.05.2019 has been filed. The report has verified that petitioner does not have a regular job and is only doing odd jobs. Further the report mentions that petitioner was provided free legal aid by West District Legal Services Authority as he did not have the money to engage a counsel.

9. Learned counsel for the petitioner submits that he was earlier appointed by the South West District Legal Services Authority and is doing the case pro bono for the petitioner.

10. Keeping in view the above facts and circumstances, I am satisfied that petitioner has made out an exceptional case for waiver of costs.

11. In view of the settlement between the petitioner and the respondent and payment of the settlement amount to the respondent, the subject offence is compounded. Petitioner is acquitted of the said offence.

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

13. Order *dasti* under signatures of the Court Master.

MAY 16, 2019 **SANJEEV SACHDEVA, J**
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