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

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Judgment delivered on: 22.01.2019

+ CRL.REV.P. 953/2018

LALIT BATRA

..... Petitioner

versus

STATE & ANR.

.... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Rajni Kant, Advocate with petitioner in person.

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

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 953/2018 & CrI.M.(Bail) 1707/2018 (for suspension of sentence)

1. Petitioner impugns judgment dated 20.10.2018, whereby, the Appellate Court has dismissed the appeal filed by the petitioner, impugning order of conviction dated 08.05.2017 and has partly modified order on sentence dated 27.05.2017.

2. Petitioner has been convicted of an offence under Section 138 Negotiable Instrument Act, 1881. The Trial Court had sentenced the petitioner to simple imprisonment till rising of the Court and imposed a fine

of Rs.1,00,000/-. Both the parties had filed their respective appeals, which were disposed of by the impugned common judgment dated 20.10.2018 and, ultimately, the petitioner was sentenced to undergo simple imprisonment for a period of 4 months and to pay a fine of Rs.5,90,000/-, out of which, Rs.4,00,000/- was to be paid to the complainant and Rs.1,00,000/- to the Delhi State Legal Services Authority.

3. Apart from the subject proceedings, the respondent has also initiated a civil suit against the brother of the petitioner for recovery of the amounts due to the respondent.

4. Subject cheque was of Rs.2,95,000/-.

5. Parties were referred to mediation. Parties have settled their disputes. Settlement Agreement dated 19.12.2018 has been placed on record. In terms of the settlement agreement, the petitioner has agreed to pay a total amount of Rs.5,90,000/- to the respondent complainant in full and final settlement of all the claims of the respondent. In terms of the settlement, on payment of the settled amount, all disputes between the parties pertaining to the subject cheque as also the civil Suit would stand fully and finally settled.

6. By order dated 31.10.2018, petitioner was directed to deposit the sum of Rs.5,90,000/- with the Trial Court. Learned counsel for the petitioner confirms that the said amount has already been deposited.

7. In furtherance to the settlement agreement, parties have now agreed that costs equivalent to 15% of the cheque amount i.e. Rs.44,250/-, payable 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*, be deducted from the said amount of Rs. 5,90,000/- and remitted to the Delhi State Legal Services Authority and the balance amount be released to the respondent complainant.

8. Petitioner undertakes that a further sum of Rs.20,000/- shall be paid by the petitioner to the respondent complainant within a period of 3 days from today. The undertaking is accepted.

9. Learned counsel for the respondent, under instructions, submits that he has no objection to the compounding of the subject offence.

10. In terms of the above settlement, out of Rs. 5,90,000/- deposited by the Petitioner, the Trial Court is directed that to remit an amount of Rs. 44,250/- to the Delhi State Legal Services Authority and the balance amount including any interest accrued thereon be released in favour of the Respondent/Complainant.

11. In view of the above, subject offence is compounded. Impugned Order is 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

JANUARY 22, 2019
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