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

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Judgment delivered on: 12.03.2019

+ CRL.REV.P. 788/2015

DEEPAK

..... Petitioner

versus

M/S BB METALS

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sunil Kr. Bhatt, Adv.

For the Respondent : J.K. Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CRL.REV.P. 788/2015 & Crl. M.A. 441/2016 (Release of the amount)

1. Petitioner impugns order dated 26.11.2015 whereby the appeal of the petitioner impugning judgment on conviction dated 24.08.2015 and order on sentence dated 04.09.2015 was dismissed.

2. The petitioner was convicted of the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigours imprisonment for a period of three months. The petitioner was also directed to pay compensation of Rs. 3,25,000/-.

3. Learned counsel for the petitioner submits that the petitioner has deposited the entire compensation amount, with the registry of this court.

4. Parties have settled their disputes. Respondent/complainant has agreed to receive a sum of Rs. 3 lakhs in full and final settlement of his claim as against the subject cheques.

5. Learned counsel for the respondent under instructions from the respondent, who is present in court, submits that the respondent has other claims against the petitioner and he has no objection to the compounding of the subject offence without prejudice to his rights to pursue his remedy with regard to the other claims.

6. The petitioner has deposited the sum of Rs. 3,25,000/- with this Court in terms of the order dated 07.12.2015.

7. Respondent-Ram Avtar, proprietor of M/s. BB METALS is present in Court. He submits that on receipt of the amount of Rs. 3 lakhs deposited with this Court along with the interest accrued thereon, he has no objection to the compounding of the subject offence.

8. In view of the above settlement between the parties the subject offence is compounded. Registry is directed to transmit Rs. 25,000/- to the trial court in terms of the order on sentence dated 04.09.2015. Out of the balance amount lying with the Registry a sum of Rs.

34,500/- be transmitted to the Delhi State Legal Service Authority as cost for compounding of the subject offence in terms of the judgment of the Supreme Court in *Damodar S. Prabhu, Vs. Syed Babulal* (2010) 5 SCC 663. The balance amount lying deposited with the Registry along with interest accrued thereon, if any, be released in favour of the respondent.

9. Learned counsel for the petitioner on behalf of the petitioner undertakes that an amount of Rs. 34,500/- shall be paid to the respondent within two weeks from today. The undertaking is accepted. Petitioner shall pay the amount of Rs. 34,500/- to the respondent within two weeks from today.

10. In view of the above directions, the subject offence is compounded. The petitioner is acquitted of the said offence. It is clarified that this order is without prejudice to the other claims of the respondent and the defence of the petitioner thereto.

11. The petition is accordingly disposed in the above terms.

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

MARCH 12, 2019
‘rs’

SANJEEV SACHDEVA, J