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

% *Date of decision: November 14, 2022*

+ **CRL.REV.P. 74/2009, CRL.M.A. 3714/2013 & 962-63/2018**

PAAM PHARMACEUTICAL DELHI LTD & ORS. Petitioners

Through: Ms. Saloni Khurana and Mr. Atul Sani, Advocates.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Hitesh Vali, APP with Ms.Akanksha Sharma, Advocate for State/R-1.

Mr. B.S. Arora, Mr. Taurif Alam, Mr.Swarandeeep Singh and Mr.Naveen Malhotra, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

1. The present writ petition is filed under sections 397/401 IPC read with section 482 Cr.P.C. to impugn the order passed by the Court of Additional Sessions Judge and Criminal Appeals bearing No. 29/2008 and 30/2008.
2. The respondent no. 2 filed a complaint under section 138 of the Negotiable Instruments Act, 1881 against the petitioners and Mukesh Bhargav and Prabha Rani Bhargav on the basis of cheque bearing no. 971471 dated 21.08.1997 drawn on Punjab National Bank, Civil Lines, Delhi amounting to Rs.1 crore which on presentation got dishonoured with remarks 'Exceeds Arrangement'.
3. The Court of Shri Sanjay Bansal, Metropolitan Magistrate, Patiala

House Courts, vide judgment dated 19.05.2008, convicted the petitioners for offences punishable under section 138 read with section 142 of the Negotiable Instruments Act, 1881 and Mukesh Bhargav and Prabha Rani Bhargav were ordered to be acquitted. Thereafter, vide order on sentence dated 22.05.2008, the petitioners no. 2 and 3 were sentenced to simple imprisonment for a period of 09 months each and Rs.2 crores were awarded as compensation to the respondent no. 2. It was further directed that the petitioners no. 2 and 3 shall pay Rs.50 Lakhs each as a part of awarded compensation and the petitioner no. 1 shall pay the balance compensation of Rs.1 crore. The petitioners no. 2 and 3 filed the appeals bearing no. 29/2008 and 30/2008 which were dismissed by the Court of Shri S.K. Sarvaria, Additional Sessions Judge-01, South, Patiala House Court vide judgment dated 09.02.2009.

4. The petitioners being aggrieved, filed the present Revision Petition. Subsequently, the petitioners have settled with the respondent no. 2 vide two compromise deeds dated 11.01.2018 whereby the petitioners no. 2 and 3 have agreed to pay Rs.80 Lakhs to the respondent no. 2 towards full and final satisfaction of claims of the respondent no. 2 subject matter of the present litigation arising out of the cheque bearing no. 971471. It is stated that after filing of the present petition, the petitioner no. 2 expired.

5. It is stated on behalf of the respondent no. 2 by the counsel that a sum of Rs.72,62,500/- (Rupees Seventy Two Lakhs Sixty Two Thousand and Five Hundred Only) has been paid as a part of settlement amount and balance amount of Rs.7,37,500/- (Rupees Seven Lakhs Thirty Seven Thousand and Five Hundred Only) is still to be paid.

6. The counsel for the petitioners stated that the said amount, if any,

which is to be paid as balance settled amount shall be paid within a period of one month positively.

7. In view of the settlement, the judgment dated 09.02.2009 passed by the Court of Shri S.K. Sarvaria, Additional Sessions Judge-01, South, Patiala House Court and judgment dated 19.05.2008 passed by the Court of Shri Sanjay Bansal, Metropolitan Magistrate, Patiala House Courts are set aside subject to the payment of balance settled amount, if any, within a period of one month from today to the respondent no. 2. In case of violation, either of the parties shall be at liberty to revive the appeal.

8. The present petition alongwith pending applications, if any, stands disposed of.

(SUDHIR KUMAR JAIN)
JUDGE

NOVEMBER 14, 2022
N/M

