



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

% ***Date of decision : 19.07.2023***

+ **CRL.REV.P. 735/2023 & CRL.M.(BAIL) 979/2023**

SUBHASH BATRA

..... Petitioner

Through: Mr. Ashok Kumar, Mr. Deepak Chauhan, Mr. Kamal Chauhan and Ms. Pooja Chauhan, Advs.

versus

VIJAY KUMAR

..... Respondent

Through: Mr. Manas Shukla, Advocate with respondent in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

RAJNISH BHATNAGAR, J (ORAL)

1. The present revision petition has been filed under Section 397 Cr.P.C seeking following relief:-

“allow the Revision and set aside the impugned convicting the Petitioner/Accused vide Judgment dated 10.05.2023 in which the appellant/accused held guilty and against order on sentence dated 02.06.2023, in which the appellant/accused was convicted to sentenced a simple imprisonment of one year and to pay a compensation of Rs.1,25,000/- to the complainant. in default of payment of compensation amount, convict shall further undergo simple imprisonment for 90 days, for the offence u/s 138 n.i act, passed by the Hon'ble Court of Sh Gagandeep singh ASJ north



Rohini and Dhirendra Rana, Ld. ASJ/SPL Judge (NDPS), North, Rohini Court Delhi vide Criminal Appeal no.63 of 2022 by allowing this Revision and the Appellant be acquitted and he be set free;”

2. Petitioner is aggrieved by the judgment dated 10.5.2023 and the order on sentence dated 02.06.2023 by virtue of which he was convicted for the offence under Section 138 NI Act and was sentenced to undergo simple imprisonment of one year and to pay a compensation of Rs.1,25,000/- to the complainant, and in default of payment of compensation amount, to further undergo simple imprisonment for 90 days.
3. It is submitted by the counsel for the petitioner that the matter has been amicably settled between the parties for a sum of Rs.2,00,000/-. It is further submitted that out of this total settlement amount, Rs.25,000/- has already been paid and balance sum of Rs.1,75,000/- has been paid today in Court to the complainant. It is further submitted that the petitioner has undergone 10 months out of the total sentence awarded to him, and it is prayed that the petitioner may be released for the period of sentence already undergone by him.
4. On the other hand, it is submitted by the complainant who is present in person in Court along with his counsel that he has settled the matter with the petitioner for a sum of Rs.2,00,000/- out of which Rs. 1,75,000/- has been received by him in cash today in Court. It is further submitted by the complainant that he has no objection, in case the petitioner is released for the period of sentence already undergone by him.



5. In the instant case, nothing has been brought before this Court to show that petitioner does not have clean past antecedents and further the matter has been amicably settled between the parties.

6. I have also perused the nominal roll dated 18.07.2023 which shows that petitioner has undergone 10 months and 13 days out of the total sentence of one year awarded to him.

7. Keeping in view the facts and circumstances of this case, nature of offence, and also the fact that the matter has been settled between the parties, and the entire settlement amount has been paid to the complainant; the petitioner has clean past antecedents and he has undergone the substantial part of the sentence, the ends of justice would meet if the petitioner is released for the period of sentence already undergone by him. Accordingly, the petitioner is directed to be released for the period of sentence already undergone by him, which is 10 months and 13 days as per the nominal roll dated 18.07.2023.

8. The petition stands disposed of along with pending application, if any.

9. A copy of this order be communicated electronically to the jail authorities and the learned trial.

10. *Dasti.*

RAJNISH BHATNAGAR, J

JULY 19, 2023/ib