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

% *Date of decision: July 27, 2023*

+ **CRL.REV.P. 424/2017**

VINOD MANGLA

..... Petitioner

Through: Mr. Gautam Khazanchi,
Mr. Vaibhav Dubey and
Mr. Vinayak Chawla,
Advocates with petitioner in
person.

versus

STATE OF NCT OF DELHI & ANR Respondents

Through: Ms. Manjeet Arya, APP for
State/R-1.
Mr. Biswajit Kumar and
Mr. Raghu Khanna, Advocates
for R-2 with R-2 in person.

28

+ **CRL.REV.P. 428/2017**

VIVEK MANGLA

..... Petitioner

Through: Mr. Gautam Khazanchi,
Mr. Vaibhav Dubey and
Mr. Vinayak Chawla,
Advocates with petitioner in
person.

versus

STATE OF NCT OF DELHI & ANR Respondents

Through: Ms. Manjeet Arya, APP for
State/R-1.
Mr. Biswajit Kumar and
Mr. Raghu Khanna, Advocates
for R-2 with R-2 in person.



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+ **CRL.REV.P. 399/2017**

JAI RAM SINGH

..... Petitioner

Through: Mr. Biswajit Kumar and
Mr. Raghu Khanna, Advocates
with petitioner in person.

versus

THE STATE & ANR

..... Respondents

Through: Ms. Manjeet Arya, APP for
State/R-1.Ms. Tanya Agarwal and
Mr. Nikhil Srivastava,
Advocates for R-2.

30

+ **CRL.REV.P. 400/2017 & CRL.M.A. 8145/2018**

JAI RAM SINGH

..... Petitioner

Through: Mr. Biswajit Kumar and
Mr. Raghu Khanna, Advocates
with petitioner in person.

versus

THE STATE & ANR

..... Respondents

Through: Ms. Manjeet Arya, APP for
State/R-1.Mr. Gautam Khazanchi,
Mr. Vaibhav Dubey and
Mr. Vinayak Chawla,
Advocates with petitioner in
person for R-2 with R-2 in
person.**CORAM:****HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN****J U D G M E N T (oral)**

1. The present criminal revision petitions are filed under sections



397/401 Cr.P.C. read with sections 482/483 Cr.P.C. to set aside the judgment and order dated 14.03.2017 passed by Shri Sunil K. Aggarwal, Additional Sessions Judge-04, North-West District, Rohini Courts, Delhi in Criminal Appeals bearing no.19169/2016 titled as **Jai Ram Singh V Vinod Mangla** and 19168/2016 titled as **Jai Ram Singh V Vivek Mangla**.

2. Jai Ram Singh (hereinafter referred to as the “**accused**”) issued two cheques bearing no. 999124 dated 20.08.2011 and 203550 dated 29.05.2011 amounting to Rs.2,50,000/- and Rs.1,50,000/- drawn on Punjab National Bank, Sainik Vihar, Delhi-110034 in favour of Vinod Mangla and Vivek Mangla (hereinafter referred to as the “**complainants**”), towards discharge of liability and the said cheques were got dishonoured when presented for encashment on the ground of ‘funds insufficient’ vide return memo dated 16.02.2012 and 05.12.2011, respectively.

3. The complainants being aggrieved, filed complaints under section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the “**NI Act**”) bearing CC no.6068/16 titled as **Vinod Mangla V Jai Ram Singh** and bearing CC no. 5915/16 titled as



Vivek Mangla V Jai Ram Singh. The Court of Ms. Meenu Kaushik, MM, North-West District, Rohini Courts, Delhi vide judgment dated 31.05.2016, convicted the accused for the offence punishable under section 138 of the NI Act and vide order on sentence dated 08.06.2016, sentenced the accused for simple imprisonment for one-year and further directed to pay compensation of Rs.3,50,000/- to the complainants and in default of payment of compensation, to further undergo simple imprisonment for a period of 06 months.

4. The accused being aggrieved, filed criminal appeals bearing no.19169/2016 titled as **Jai Ram Singh V Vinod Mangla** and 19168/2016 titled as **Jai Ram Singh V Vivek Mangla**, which were dismissed by the Court of Shri Sunil K. Aggarwal, Additional Sessions Judge-04, North-West District, Rohini Courts, Delhi vide judgment and order dated 14.03.2017. However, the amount of compensation was reduced from Rs.3,50,000/- to Rs.1,50,000/-.

5. The complainants being aggrieved, filed the present revision petitions bearing no.424/2017 and 428/2017 and the accused also filed the revision petitions bearing no. 399/2017 and 400/2017.

6. Due to intervention of the court, both the complainants and the



accused have agreed to settle their disputes. The complainant/Vinod Mangla stated that the complainant/Vivek Mangla is his son and he has authorised him to settle with the accused. It is agreed that the accused shall pay Rs.1,50,000/- towards full and final satisfaction of all the claims of both the complainants, namely, Vinod Mangla and Vivek Mangla in six monthly instalments of Rs.25,000/- each commencing from August, 2023 to be deposited in the account no.98090100007093, IFSC Code-BARB0EXTVIS, Bank of Baroda, Parwana Road, Delhi-110034 on or before 15th day of each month of English calendar without any default.

7. In view of the above settlement, the orders on sentence dated 08.06.2016 passed in complaint cases bearing no.6068/16 titled as **Vinod Mangla V Jai Ram Singh** and bearing CC no. 5915/16 titled as **Vivek Mangla V Jai Ram Singh** by the Court of Ms. Meenu Kaushik, MM, North-West District, Rohini Courts, Delhi and judgment dated 14.03.2017 passed by Shri Sunil K. Aggarwal, Additional Sessions Judge-04, North-West District, Rohini Courts, Delhi in Criminal Appeals bearing no.19169/2016 titled as **Jai Ram Singh V Vinod Mangla** and 19168/2016 titled as **Jai Ram Singh V**



Vivek Mangla is accordingly modified to the extent of payment of Rs.1,50,000/- as compensation.

8. It is stated that the accused Jai Ram Singh has already undergone simple imprisonment for one-year in both the complaint cases. It is made clear that the order on sentence dated 08.06.2016 passed in complaint cases bearing no.6068/16 and 5915/16 by the Court of Ms. Meenu Kaushik, MM, North-West District, Rohini Courts, Delhi and judgments dated 14.03.2017 passed in Criminal Appeals bearing no.19169/2016 and 19168/2016 by the Court of Shri Sunil K. Aggarwal, Additional Sessions Judge-04, North-West District, Rohini Courts, Delhi are modified subject to the payment of Rs.1,50,000/- in the manner as detailed hereinabove.

9. In case of single default, the sentences awarded by judgments dated 14.03.2017 passed in Criminal Appeals bearing no.19169/2016 and 19168/2016 shall be revived.

10. The complainants Vinod Mangla and Vivek Mangla shall be at liberty to approach this court in case of any default on the part of the accused Jai Ram Singh.



11. The present petitions along with pending applications, if any, stand disposed of.

(DR. SUDHIR KUMAR JAIN)
JUDGE

JULY 27, 2023
N/SD

