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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 272/2024 & CRL.M.(BAIL) 351/2024 & CRL.M.A.
6089/2024

RAKESH KUMAR

..... Petitioner

Through: Mr. Gaurav Kumar and Mr. Milan
Kumar, Advocates.

versus

THE STATE OF NCT OF DELHI AND ANR Respondents

Through: Mr. Nawal Kishore Jha, APP for State
Mr. Tushar Arora, Advocate for
respondent No.2/complainant with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

27.02.2024

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1. By way of present petition filed under Section 397 read with Section 401 Cr.P.C., the petitioner/revisionist seeks to assail the order dated 14.02.2024 passed by the learned ASJ-05, South West District, Dwarka Courts, New Delhi in Criminal Appeal No.266/2023, whereby the judgment dated 31.03.2023 and the order on sentence dated 20.04.2023 passed by the learned MM in the proceedings arising out of Section 138 of the NI Act, was upheld.
2. Learned counsel for the revisionist states that post-dismissal of the said appeal, the parties have entered into a settlement, whereby the entire amount totalling to Rs.1,13,305/- has already been paid.
3. Learned counsel for the complainant/respondent No.2 enters appearance and on instructions from the respondent No.2, who is present in



person, acknowledges receipt of the said amount.

4. Section 320(6) of the Cr.P.C. stipulates that a Court, while exercising powers of revision may allow any person to compound any offence which such person is competent to compound under the said section.

5. Accordingly, since the parties have been able to reach a settlement and respondent No.2 having given his no objection, the offence under Section 138 NI Act is permitted to be compounded.

6. Further, in Damodar S. Prabhu v. Sayed Babalal H. reported as **(2010) 5 SCC 663**, the Supreme Court has held that while seeking compounding before the Sessions Court/High Court, the same may be allowed subject to payment of 15% of the cheque amount as costs.

7. Learned counsel for the petitioner states that though the petitioner is willing to pay the cost, however, prays that the said amount be reduced, considering the fact that the petitioner is facing financial difficulty.

8. In view of the same, the cost is reduced to Rs.5,000/-, which shall be deposited by the petitioner with Delhi State Legal Services Authority within a period of two weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

9. Consequently, the revision petition is allowed and the petitioner is acquitted and directed to be released immediately.

10. The Registry shall communicate this order to the Jail Superintendent immediately for necessary action.

11. A copy of this order be also communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.



12. The petition is disposed of accordingly alongwith pending applications.

Dasti.

MANOJ KUMAR OHRI, J

FEBRUARY 27, 2024/rd