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

+ **CRL.REV.P. 299/2024**

RAKESH SINGH NEGI

..... Petitioner

Through: Mr.Gurdeep Singh and Mr.G.Singh,
Advocates

versus

THE STATE GOVT OF NCT DELHI AND ANOTER

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Ramesh

Ms.Sugandh Virmani, Advocate for respondent
No.2 with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

01.03.2024

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CRL.M.A. 6782/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.REV.P. 299/2024 and CRL.M.(BAIL) 372/2024 (suspension of sentence)

1. By way of present petition filed under Section 397(1)/401 read with Section 482 Cr.P.C., the petitioner/revisionist seeks setting aside of the judgment dated 24.02.2024 passed by the learned ASJ, Central District, Tis Hazari Courts, Delhi in Criminal Appeal No.52/2020, whereby the petitioner's appeal seeking setting aside of the judgement dated 16.12.2019



and the order on sentence 09.01.2020 passed by the learned Metropolitan Magistrate (NI Act), Tis Hazari Courts, Delhi in Complaint Case No.513535/16, was upheld.

2. Vide judgement passed by the learned MM, the petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 for dishonour of cheque of Rs.50,000/- and vide the order on sentence, he was sentenced to undergo simple imprisonment for a period of three months alongwith compensation of Rs.1,00,000/- to be paid to the complainant. On failure to pay the same, he was directed to undergo further simple imprisonment for period of one month.

3. Learned counsel for the petitioner submits that the petitioner is not challenging the order on conviction or the order on sentence, as upheld by the appellate court and has brought a demand draft of Rs.1,00,000/- bearing No.514557 dated 28.02.2024 drawn on ICICI Bank, Connaught Place in favour of respondent No.2.

4. Issue notice.

5. Learned APP for the State accepts notice.

6. Learned counsel for the complainant/respondent No.2 enters appearance and states that she will file her *Vakalatnama* during the course of the day. Further, the demand draft has been handed over to respondent No.2, who acknowledges receipt of the entire amount. She further states she has no objection if the offence is compounded.

7. 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.

8. Accordingly, since the parties have been able to reach settlement and



respondent No.2 having given no objection, the offence under Section 138 NI Act is permitted to be compounded.

9. 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.

10. Learned counsel for the petitioner states that though the petitioner is willing to pay the cost however, prays that the said amount be reduced.

11. 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 today itself. A copy of the receipt be also placed on record. 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.

13. Consequently, the revision petition is allowed and the petitioner is acquitted and directed to be released immediately, if not involved in any other case.

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

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

16. The petition is disposed of accordingly alongwith pending application.

MANOJ KUMAR OHRI, J

MARCH 1, 2024

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