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

+ **CRL.REV.P. 375/2024**

SATYA PRAKASH BANSAL

..... Petitioner

Through: Mr. A.K. Pandey and Mr. G.P.
Dubey, Advocates.

versus

PRADEEP KUMAR GOEL

..... Respondent

Through: Mr. Rajeev Aggarwal and Mr. Ankit
Gupta, Advocates with respondent
through VC.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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29.04.2024

CRL.M.A. 12752/2024 (early hearing by petitioner)

1. By way of present application filed under Section 482 Cr.P.C., the petitioner seeks early hearing of the present petition.
2. Issue notice. Learned counsel for respondent No.2 accepts notice and states that he has no objection to the prayer made in the application.
3. For the reasons mentioned in the application and in view of the no objection by the other side, the same is allowed.
4. The application is disposed of.

CRL.REV.P. 375/2024 & CRL. M.A.8442/2024 (suspension of sentence)

1. With the consent of the parties, the petition is taken up for consideration today itself.
2. By way of present petition filed under Section 397 read with 401 Cr.P.C., the petitioner/revisionist seeks setting aside of the judgment dated 04.03.2024 passed by the learned ASJ-03, District North-West, Rohini Court, Delhi in Criminal Appeal No.122/2023, whereby the petitioner's appeal seeking quashing of the judgement of conviction dated 29.04.2023



and the order on sentence dated 23.05.2023 passed by the learned Metropolitan Magistrate-04, North West District, Rohini District Court, New Delhi in Complaint Case No.16391/2016 came to be upheld.

3. Vide the judgement passed by the learned MM, the petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 ('*NI Act*') for dishonour of cheque of Rs.13,23,400/- and vide the order on sentence, he was sentenced to undergo simple imprisonment for a period of one year alongwith fine of Rs.20,00,000/- in default whereof, he was directed to further undergo simple imprisonment for period of six months.

4. During the course of hearing, learned counsel for the petitioner submits that the parties have settled their dispute and a copy of the Settlement Agreement dated 11.04.2024 arrived at between the parties has been placed on record alongwith the application for early hearing. In terms of the settlement, the petitioner has brought a demand draft of Rs.4,00,000/- bearing No.001272 dated 08.04.2024 drawn on Axis Bank Ltd. in favour of respondent and the same has been handed over to learned counsel for the respondent as full and final settlement. He further submits that the petitioner is suffering from various ailments and in this regard, a medical status report of the petitioner has also been placed on record.

5. Learned counsel for the complainant/respondent acknowledged the factum of settlement and further acknowledges receipt of the entire amount. He further states he has no objection if the offence is compounded.

6. 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.



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

8. 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. The petitioner seeks waiver of the cost on medical grounds.

9. A medical status report dated 03.04.2024 received from Jail has been placed on the record as per which, the petitioner has been diagnosed as a case of hypertension/CAD/post PTCA to LAD/CABGx3 done in 2016/ICD. He was on active treatment from Delhi heart and lung institute since 17.11.2023. Considering the medical situation of the petitioner, the cost required to be deposited in terms of the said judgement is waived off.

10. Consequently, the revision petition is allowed and the petitioner is acquitted and directed to be released immediately, unless required in any other case.

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

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

13. The already scheduled date 14.08.2024 stands cancelled.

MANOJ KUMAR OHRI, J

APRIL 29, 2024/rd