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

+ **CRL.REV.P. 379/2024**

RAJ NARAYAN TIWARI

..... Petitioner

Through: Mr. Kamlesh Kumar Verma and Mr.
Dinesh Singh Bachgoti, Advocates.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

21.05.2024

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1. The present petition under Sections 397/401 of the Cr.P.C. seeks the following prayers:

“a) To pass an order thereby for set aside the impugned judgment dated 07.02.2024 passed by Sh. Pankaj Arora, ASJ-04 District North East Karkardooma Court Delhi vide Crl. Appeal No. 41/2023 titled as Raj Narayan Tiwari Versus Mahavir Singh and order of sentence dated 15.03.2023 and judgment dated 24.02.2023 passed by Trial Court of sh. Rupinder Singh Dhiman. Ld. MM. District North East Karkardooma Court Delhi in CC No. CC/67/2019.

b) To pass an order thereby release to the revisionist from the JC.

c) To pass such other and further orders which this Hon'ble Courts deems fit and proper may also be passed in favour of revisionist.”

2. The present petition challenges the judgment passed by the learned Additional Sessions Judge in Criminal Appeal No. 41/2023, whereby the appeal against judgment of conviction dated 24.02.2023 and order on sentence dated 15.03.2023 passed by learned Metropolitan Magistrate, was



dismissed. *Vide* the judgment of conviction and order on sentence, the petitioner has been convicted under Section 138 of the Negotiable Instruments Act and has been sentenced to undergo simple imprisonment for a period of 01 years alongwith fine of Rs. 2,85,000/- as compensation to the complainant.

3. Learned counsel for the petitioner submits that 20 percent of the compensation amount, i.e., Rs. 57,000/- had been deposited before the learned Appellate Court which has since been released to respondent no. 2. It is further pointed out that the parties have entered into a compromise and remaining amount of Rs. 2,28,000/- had been paid *vide* demand draft bearing DD No. 016309, dated 14.03.2024, drawn on Axis Bank, Yamuna Vihar, in the name of respondent no. 2, on 19.03.2024.

4. On 19.03.2024, respondent no. 2 alongwith Counsel had confirmed the aforesaid and had submitted that she had entered into a compromise with the petitioner. It is further submitted that she has accepted the remaining amount of Rs. 2,28,000/- out of Rs. 2,85,000/- awarded as compensation in the present case before this Court.

5. Copy of the settlement deed dated 28.03.2024, has been placed on record, whereby the respondent no. 2 has settled the matter with the petitioner and prays that the matter be compounded.

6. Respondent no. 2 is present before this Court and confirms her statement made and recorded in order dated 19.03.2024.

7. In view thereof, the matter stands compounded.

8. The petition is allowed. Order of conviction and order on sentence are set aside. The appellant is acquitted and bail bond stands discharged.



9. The present petition stands disposed of.

AMIT SHARMA, J

MAY 21, 2024/ab

Click here to check corrigendum, if any