



\$~13

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.REV.P. 1336/2023, CRL.M.A. 26825/2024 &
CRL.M.(BAIL) 1755/2023

PRABHAKAR KUMAR SHAWPetitioner

Through: Mr. Vikram Singh Nayal,
Mr. Mukesh Kumar, Mr.
Rohit Singh, Mr. Sujit
Kumar, Mr. Prince Kumar
& Mr. Prince Gupta, Adv.

versus

ASHOK KUMAR SINGHALRespondent

Through: Mr. H.L. Rai, Avinash
Kumar, Mr. Avinash
Kumar, Mr. Anoop Singh,
Mr. Suman Kumar & Mr.
Dhruv Singhal, Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
05.09.2024

%

1. The present petition is filed challenging the judgment dated 16.11.2023 (hereafter '**impugned judgment**'), passed by the learned Principal District & Sessions Judge ('**PDSJ**'), Dwarka Courts, New Delhi, in Criminal Appeal No. 193/2023.

2. The learned PDSJ, by the impugned judgment, upheld the judgment of conviction dated 30.01.2023 and order on sentence dated 16.03.2023, in CC No. 12084/2019, whereby the petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 (**NI Act**) and sentenced to imprisonment till the rising of the Court and to pay a compensation of ₹1,00,000/-, and in default of payment of compensation, it was directed that the convict shall undergo

CRL.REV.P. 1336/2023

Page 1 of 3



further simple imprisonment for a period of three months.

3. The learned counsel for the parties state that the parties have amicably settled their disputes. They submit that the entire settlement amount, except the sum of ₹66,000/-, which is lying deposited with the learned Appellate Court, has already been paid to the complainant.

4. The learned counsel for the parties agreed that the amount lying deposited with the learned Appellate Court along with all the accrued interest, if any, can be directed to be released in favour of the complainant.

5. The parties are present in person and they have been duly identified by their respective counsel.

6. The respondent submits that he does not wish to pursue the proceedings emanating out of CC No. 12084/2019. He states that he has no objection if the offence under Section 138 of the NI Act is compounded.

7. Offence under Section 138 of the NI Act is compoundable in nature.

8. Even though an attempt for compounding of the offence under NI Act should be made at the initial stage rather than the later stage, however, there is no bar against seeking compounding of the offence even after conviction [Ref. ***Raj Reddy Kallem v. The State of Haryana & Anr. : 2024 INSC 347, K.M Ibrahim v. K.P Mohammed & Anr. : (2010) 1 SCC 798***, etc.].

9. In view of the settlement as noted above, the impugned judgment dated 30.01.2023 and order of sentence dated 16.03.2023 in complaint case CC No. 12084/2019 are set aside, on the petitioner paying a cost of ₹10,000/- to the Delhi High Court Legal Service Committee.

CRL.REV.P. 1336/2023

Page 2 of 3



10. The learned Appellate Court is directed to forthwith release the amount deposited by the petitioner along with all the accrued interest on the strength of the present order.

11. In view of the settlement as noted above, the impugned judgment dated 30.01.2023 and order of sentence dated 16.03.2023 in complaint case CC No. 12084/2019 are set aside, on the petitioner paying a cost of ₹10,000/- to the Delhi High Court Legal Service Committee.

12. The learned Appellate Court is directed to forthwith release the amount deposited by the petitioner along with all the accrued interest on the strength of the present order.

13. The present petition is disposed of in the aforesaid terms.

14. Pending application(s), if any, stands disposed of.

AMIT MAHAJAN, J

SEPTEMBER 5, 2024

“SK”