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

+ **CRL.REV.P. 1341/2023 & CRL.M.(BAIL) 1767/2023**

ANOOP SINGH

..... Petitioner

Through: Mr. V. K. Sharma,
Mr. Prince Sharma and
Mr. Aaditya, Advs.

versus

SUBHASH CHANDER VERMA

..... Respondent

Through: Respondent in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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29.01.2024

1. The present petition is filed challenging the judgment dated 26.10.2023 (hereafter '**impugned judgment**'), passed by the learned Principal District and Sessions Judge, South-West District, Dwarka Courts, New Delhi (hereafter '**PDSJ**'), in CA No. 108/2023

2. The learned PDSJ, by the impugned judgment, upheld the order of conviction dated 08.12.2022 and the order on sentence dated 17.01.2023, passed by the learned Presiding Officer, Special Court (NI Act) South-West, Dwarka Court, New Delhi, in Complaint Case No. 5001394/2016.

3. By the order of conviction dated 08.12.2022, the learned Presiding Officer convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

4. Subsequently, the learned Presiding Officer, by the order on sentence dated 17.01.2023, sentenced the petitioner to undergo imprisonment for a period of one year and to pay fine /



compensation of double the cheque amount, out of which 10% of the said fine was to be paid to Delhi Legal Aid Services Authority, and in default of the fine to further undergo simple imprisonment for 3 months.

5. The learned counsel for the petitioner submits that the parties have settled their disputes. It is agreed between the parties that a sum of ₹3.4 Lakhs (Rupees Three Lakhs Forty Thousand Only) would be paid to the complainant / respondent. In terms thereof, the amount of ₹2.4 Lakhs (Rupees Two Lakhs Forty Thousand Only), deposited with the learned Trial Court, has already been released in favour of the respondent, and the balance amount of ₹1 Lakh (Rupees One Lakh Only), is handed over to the respondent in Court today by way of Manager's Cheque No. 002291, dated 12.01.2024, drawn on HDFC Bank, Dwarka Sector 17, New Delhi – 110075.

6. The learned counsel for the petitioner further submits that the petitioner is in custody and had surrendered before the learned Trial Court on 26.10.2023.

7. The respondent is present in person. He agrees that the parties have settled their disputes, and states that he does not wish to pursue the proceedings emanating out of Complaint Case No. 5001394/2016.

8. In view of the above, the present petition is allowed and the impugned judgment and the order of conviction dated 08.12.2022 as well as the order on sentence dated 17.01.2023, passed by the learned Presiding Officer in Complaint Case No. 5001394/2016, are set aside.

9. The Jail Superintendent is directed to release the petitioner forthwith.

10. A copy of the order be also communicated to the Jail



Superintendent through the Faster Cell.

AMIT MAHAJAN, J

JANUARY 29, 2024 / 'KDK'