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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P.(NI) 58/2024, CRL.M.A. 35636/2024, CRL.M.A.
35637/2024, CRL.M.(BAIL) 1989/2024

BIMAL PASWAN

.....Petitioner

Through: Mr. Pratap Kumar Dash, Advocate
with petitioner in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Shoaib Haider, APP fro State
Mr. Kamlesh Kumar, Advocate for
respondent No.2 with respondent No.
in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.11.2024

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1. Present revision petition has been instituted in the context of judgment dated 16.10.2024 passed by Ld. ADJ-04, North District Rohini Court whereby petitioner's conviction vide judgment dated 22.06.2023 rendered by the Judicial Magistrate in Complaint Case No. 1579/2016 titled "Shri Prayagraj Vs Shri Bimal Paswan" initiated under Section 138 of the N.I. Act has been upheld. Vide order on sentence dated 31.08.2023, petitioner was sentenced to undergo SI for 6 months and was also directed to pay the compensation of Rs.2.50 lacs to the respondent No.2 under Section 357(3) Cr.P.C. within one month and in default thereof, to further undergo SI for 90 days. The appeal preferred by the petitioner also merited dismissal leading to filing of present petition.

2. Learned counsel for the petitioner submits that parties have now been



able to reach an amicable settlement recorded in the Settlement Deed dated 04.11.2024. He submits that in terms of the settlement, the petitioner has agreed to pay a sum of Rs.2.50 lacs towards full and final settlement and out of which, sum of Rs.1.50 lacs already stands paid. He submits that the petitioner has no objection in case the amount of Rs.50,000/-, which is lying deposited with the Appellate Court, is directed to be released to respondent No.2. He further submits that petitioner shall pay the balance amount of Rs.50,000/- to the respondent No.2 on or before 30.12.2024.

4. Respondent No.2 is present in Court who has been identified by his counsel who has joined the proceedings through V.C. He admits entering into the aforesaid Settlement Deed with the petitioner and also acknowledges the receipt of amount of Rs.1.50 lacs in terms of the settlement. He submits that he has no objection in case the offence is compounded subject to petitioner paying the aforesaid amount of Rs.50,000/- on or before 30.12.2024.

5. Petitioner, who is also present in Court, has been identified by his counsel. He states that he shall abide by the terms of the Settlement Deed and honor his commitment to pay the remaining Rs.50,000/- on or before 30.12.2024. The undertaking given by the petitioner is accepted and taken on record and he is made bound by the same.

6. Considering that the parties have been able to reach an amicable settlement vide the aforesaid Settlement Deed which has been honoured except the remaining balance amount of Rs.50,000/-, the offence under Section 138 of the NI Act is directed to be compounded and he is acquitted, subject to the petitioner paying the balance amount of Rs.50,000/- on or before 30.12.2024. Bail bonds of the petitioner are discharged.



7. However, in light of decision of the Supreme Court in Dashrath Rupsingh Rathod v. State of Maharashtra reported as (2014) 9 SCC 129, the petitioner is liable to be saddled with some cost. Learned counsel for the petitioner prays that since the petitioner belongs to a poor strata of society being a daily wager, the cost may be reduced. Considering the financial condition of the petitioner, he is directed to deposit cost of Rs.1,000/- with the Delhi State Legal Services Authority (A/c No. 18580110053263, UCO Bank, Branch : Rouse Avenue, IFSC : UCBA0003364) within a period of four weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance. Receipt evidencing deposit of cost be filed with the Registry.
8. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.
9. It is made clear that in case petitioner fails to honour his commitment within the stipulated period, the respondent No.2 shall be at liberty to seek revival of the present petition.
10. Petition is disposed of alongwith pending applications.

MANOJ KUMAR OHRI, J

NOVEMBER 28, 2024

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