
(2018) 02 DEL CK 0670

In the Delhi High Court

Case No : Criminal Revision Petition No. 165 Of 2018

Jitender Kumar

APPELLANT

Vs

State (Govt Of NCT Of Delhi) & Anr

RESPONDENT

Date of Decision : 28-02-2018

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2018) 02 DEL CK 0670

Hon'ble Judges : S.P.Garg, J

Bench : Single Bench

Advocate : Pratap Dhaka, Raj Kumar, Ravi Nayak, Ajit Dayal, Shabana Ahmed

Final Decision : Disposed Of

Judgement

S.P.Garg, J

CRL.M.A.No. 3859/2018 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.REV.P. 165/2018 & CRL.M.B. 350/2018

1. Present revision petition has been preferred by the petitioner " Jitender Kumar to challenge the correctness of a judgment dated 29.01.2018 of

learned Addl. Sessions Judge in Crl.A.181/2017 whereby findings on conviction recorded by the learned Metropolitan Magistrate for commission of

offence punishable under Section 138 Negotiable Instruments Act were endorsed. The revision petition is contested by the respondent.

2. The petitioner was convicted under Section 138 Negotiable Instruments Act by an order dated 10.10.2017 by the Court of learned Metropolitan

Magistrate. By an order dated 17.10.2017, he was sentenced to undergo simple

imprisonment for three months and to pay fine Rs. 1.5 lac.

3. During the course of arguments, it was informed that the matter has been settled with the complainant. I have enquired from the complainant

whether he has settled the dispute with the petitioner amicably without any fear or pressure. He has informed that all the disputes have been settled

with the petitioner and he has no objection for disposal of the revision petition as settled / compromised.

4. It is further informed that pursuant to the settlement, it is agreed that Rs. 1 lac lying deposited with the Trial Court shall be released to the

complainant. Rs. 40,000/-(in cash) have been handed over to the complainant in the Court today. Statement to that effect has been recorded

separately. Since the matter has been settled between the parties amicably, the present revision petition stands disposed of as settled / compounded.

The petitioner is acquitted of the charge.

5. The Trial Court shall release the amount of Rs. 1 lac lying deposited with it to the complainant.

6. Since the matter has been settled at the revisional stage, considering the facts and circumstances of the case and the economic condition of the

petitioner and also his detention for about one month, costs Rs. 15,000/- are imposed as per the directions of the Honâ??ble Supreme Court. This

amount shall be deposited by the petitioner within two weeks before the Trial Court.

7. The revision petition stands disposed of. Pending application also stands disposed of.

8. Copy of the order be sent to the Court concerned. Intimation be sent to the Superintendent Jail.

9. The petitioner shall be released forthwith if not required to be detained in any other case.