

(2019) 05 DEL CK 0036

In the Delhi High Court

Case No : Criminal Revision Petition No. 437 Of 2016, Criminal Miscellaneous Application No. 9841 Of 2016

Mahipal

APPELLANT

Vs

Rajesh Kumari

RESPONDENT

Date of Decision : 08-05-2019

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2019) 05 DEL CK 0036

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Molvi Aijaz Hussain

Final Decision : Disposed Off

Judgement

Sanjeev Sachdeva, J

1. Petitioner impugns judgment dated 31.05.2016 whereby the appeal of the petitioner impugning judgment on conviction dated 09.04.2015 and order on sentence dated 20.05.2015 was dismissed.
2. The petitioner was convicted of an offence under Section 138 of the Negotiable Instruments Act and sentenced to imprisonment till rising of the Court and to pay a compensation of Rs. 3 lakhs.
3. By order dated 10.06.2016, the petitioner was directed to deposit a sum of Rs. 2.50 lakhs with the Registrar General of this Court. Petitioner has deposited the said amount.
4. Learned counsel for the respondent/complainant submits that the subject cheque was for Rs. 1,80,000/-.
5. Parties were referred to mediation. Parties have settled their disputes and settlement agreement dated 15.04.2019 has been executed.

6. As per the settlement, petitioner agreed to pay a total sum of Rs. 2,25,000/- to the respondent/complainant in full and final settlement of all her claims.
7. Learned counsel for the respondent submits that on receipt of the said amount respondent has no objection to the compounding of the subject offence.
8. In view of the above settlement between the parties, the subject offence is compounded. The petitioner is acquitted of the said offences.
9. The amount of Rs. 2,50,000/- deposited by the petitioner, as per the offence note, was kept in an interest-bearing account.
10. Out of the amount deposited by the Petitioner and the interest accrued thereon, the Registry is directed to release an amount of Rs. 2,25,000/- in favour of the respondent/complainant.
11. Learned counsel for the respondent submits that though the name of the complainant/respondent is shown as Rajesh Kumari, however, she maintains a bank account only in the name of 'Rajesh' and prays that amount be released in the name 'Rajesh'.
12. Registry is directed to release the amount of Rs. 2,25,000/- in favour of 'Smt. Rajesh'. The amount be released after verification of the identity of the respondent.
13. Out of the balance amount, the Registry is directed to transmit an amount of Rs. 27,000/- (being costs equivalent to 15% of the cheque amount) to the Delhi State Legal Service Authority in terms of the judgment of the Supreme Court in Damodar S. Prabhu, Vs. Syed Babulal (2010) 5 SCC 663.
14. Balance amount left after payment to the respondent and deposit of cost be released to the petitioner.
15. The petition is disposed off in the above terms.
16. Order dasti under signatures of the Court Master.