

(2019) 05 DEL CK 0234

In the Delhi High Court

Case No : Criminal Revision Petition No. 392 Of 2019, Criminal Miscellaneous
(Bail) No. 617 Of 2019

State (Nct Of Delhi)

APPELLANT

Vs

Suresh Gautam & Ors

RESPONDENT

Date of Decision : 23-05-2019

Acts Referred:

Negotiable Instrument Act, 1881 — Section 138

Citation : (2019) 05 DEL CK 0234

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Ashok Taneja, Meenakshi Dahiya

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. Petitioner impugns order dated 30.03.2019, whereby, the appeal filed by the petitioner, impugning order dated 08.12.2017, has been dismissed.
2. Petitioner has been convicted of an offence under Section 138 Negotiable Instrument Act, 1881 and sentenced to undergo simple imprisonment for a period of three months and to pay fine of Rs.2,50,000/- and in default to undergo farther imprisonment of six months. Subject Cheque is of Rs. 2,00,000/-
3. Parties have settled their disputes. Petitioner has agreed to pay a total sum of Rs.3 lakhs in full and final settlement of all claims of the respondent.
4. Respondent No.2, who is present in Court in person and is represented by counsel, submits that the settlement has taken place and he is willing to accept Rs.3 lakhs in full and final settlement of all his claims. He submits that he has no objection to the compounding of the subject offence.
5. A sum of Rs. 2,50,000/- has already been paid to respondent No.2. Balance amount of Rs.50,000/- has been paid vide pay order No.682688 dated

20.05.2019 drawn on Corporation Bank in Court today. Respondent No.2 confirms that he has settled with the petitioner and has received the entire settlement amount and has no objection to the compounding of the subject offence.

6. Petitioner has deposited the cost of Rs.30,000/- with the Delhi State Legal Services Authority being 15% of the cheque amount in terms of the judgment of the Supreme Court in Damodar S.Prabhu, Vs. Syed Babulal (2010) 5 SCC 663. Copy of the Receipt of deposit of costs is on record. Original has been produced in court.

7. In view of the settlement between the parties and payment of the entire settlement amount by the petitioner to the respondent and the deposit of costs with legal aid, subject offence is compounded. Petitioner is acquitted of the said offence.

8. Petition is allowed in the above terms.

9. Order Dasti under signatures of the Court Master.