

Pushkar vs.the State Govt of Nct of Delhi & Anr

Pushkar vs.the State Govt of Nct of Delhi & Anr

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Court : Delhi

Decided On : Jan-23-2018

Appellant : Pushkar

Respondent : The State Govt of Nct of Delhi & Anr

Judgement :

\$~36 & 37 * IN THE HIGH COURT OF DELHI AT NEW DELHI DECIDED ON :

23. d JANUARY, 2018 + CRL.REV.P. 37/2018 PUSHKAR

... Petitioner

Through : Mr.Vipin, Advocate. versus THE STATE GOVT OF NCT OF DELHI & ANR

... RESPONDENTS

+ Through : Mr.Ravi Nayak, APP. Mr.Abhishek Agarwal, Advocate for R2 along with R2 in person. CRL.REV.P. 38/2018 PUSHKAR

... Petitioner

Through : Mr.Vipin, Advocate. versus THE STATE GOVT OF NCT OF DELHI & ANR

... RESPONDENTS

Through : Mr.Ravi Nayak, APP. CORAM: HON'BLE MR. JUSTICE S.P.GARG
Mr.Abhishek Agarwal, Advocate for R2 along with R2 in person. S.P.GARG, J.

(Oral) Crl.Rev.372018 & connected matter Page 1 of 4 CRL.M.A.No.1389/2018 in CRL.REV.P. 37/2018 & CRL.M.A.No.1386/2018 in CRL.REV.P. 38/2018 1. For the reasons mentioned in the applications, the files are taken up today for consideration.

2. The applications stand disposed of. CRL.REV.P. 37/2018 & CRL.M.A.No.682/2018 & CRL.REV.P. 38/2018 & CRL.M.A.No.693/2018 1. Crl.Rev.P.37/2018 has been preferred by the petitioner to challenge the legality and correctness of an order dated 30.11.2017 of learned Addl. Sessions Judge in Crl.A.No.66/2016 whereby the findings of the Trial Court under Section 138 Negotiable Instruments Act were confirmed. The Trial Court had convicted the petitioner under Section 138 Negotiable Instruments Act vide a judgment dated 26.10.2016. Vide order dated 16.11.2016, the petitioner was sentenced to undergo SI for six months and to pay compensation of `5 lacs.

2. Crl.Rev.P.38/2018 has been preferred by the petitioner again to challenge the legality and correctness of the order dated 30.11.2017 of learned Addl. Sessions Judge in Crl.A.No.65/2016 whereby the findings of the Trial Court under Section 138 Negotiable Instruments Act were confirmed. The Trial Court had convicted the petitioner under Section 138 Negotiable Instruments Act vide a judgment dated 26.10.2016. Vide order dated 16.11.2016, the petitioner was sentenced to undergo SI for six months and to pay compensation of `4.7 lacs. Crl.Rev.372018 & connected matter Page 2 of 4 3. The respondent No.2 along with his counsel put appearance today. It is informed that the matter has been settled between the parties. It is further informed that `9.7 lacs has been agreed to be paid by the petitioner to the respondent No.2 in both the petitions in full and final satisfaction of all the claims. The respondent No.2 has no objection to dispose of the revision petitions as settled / compounded. Today in the Court two demand drafts for a sum of `9.7 lacs [DD No.503609 for a sum of `5 lacs and DD No.503610 for a sum of `4.7 lacs dated 18.01.2018 drawn on ICICI Bank in the name of respondent No.2]. have been handed over by the counsel for the petitioner to the respondent No.2.

4. I am satisfied that the respondent No.2/ complainant has settled the dispute with the petitioner with his free consent and without any fear or pressure. All the payments agreed to between the parties have been paid.

5. Since the matter has been settled amicably, the revision petitions are disposed of as settled / compounded. The petitioner is acquitted in both the complaint cases for commission of offence under Section 138 Negotiable Instruments Act.

6. Regarding costs to be paid by the petitioner as per the mandate of the Honble Supreme Court for settlement of disputes under Section 138 Negotiable Instruments Act at the revisional stage, the petitioner has prayed to take lenient view. It is urged that he has already paid substantial amount to the respondent No.2 in settlement of the disputes; has remained in custody for certain duration. Crl.Rev.372018 & connected matter Page 3 of 4 7. Considering the facts and circumstances of the case and the period undergone by the petitioner in the present proceedings, lenient view is taken and the petitioner is directed to deposit `1 lac as costs in all within two weeks before the Trial Court in both the petitions.

8. 9. Revision petitions stand disposed of in the above terms. The date already fixed in the matter i.e. 21.02.2018 stands cancelled.

10. 11. A copy of the order be sent to the Trial Court. Intimation be sent to the Superintendent Jail. JANUARY23 2018 / tr (S.P.GARG) JUDGE Crl.Rev.372018 & connected matter Page 4 of 4

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