**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**

**Jitender Kumar vs.state (Govt of Nct of Delhi) & Anr**

**Jitender Kumar vs.state (Govt of Nct of Delhi) & Anr**

**SooperKanoon Citation** : sooperkanoon.com/1213153

**Court** : Delhi

**Decided On :** Feb-28-2018

**Appellant** : Jitender Kumar

**Respondent** : State (Govt of Nct of Delhi) & Anr

**Judgement** :

$~32 * IN THE HIGH COURT OF DELHI AT NEW DELHI DECIDED ON :

28. h FEBRUARY, 2018 CRL.REV.P. 165/2018 JITENDER KUMAR .....

... Petitioner
Through : Mr.Pratap Dhaka, Advocate with Mr.Raj Kumar, Advocate. versus STATE (GOVT OF NCT OF DELHI) & ANR.....

... RESPONDENTS
Through : Mr.Ravi Nayak, APP. Mr.Ajit Dayal, Advocate with Ms.Shabana Ahmed, Advocate. CORAM: HON'BLE MR. JUSTICE S.P.GARG + S.P.GARG, J.

(Oral) 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 Crl.Rev.P.165/2018 Page 1 of 3 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 `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 `1 lac lying deposited with the Trial Court shall be released to the complainant. `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 `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 `15,000/- are imposed as per the directions of the Honble Crl.Rev.P.165/2018 Page 2 of 3 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. FEBRUARY28 2018 / tr (S.P.GARG) JUDGE Crl.Rev.P.165/2018 Page 3 of 3

**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**