

Sunil Kumar vs.the State Govt. Of Nct of Delhi & Ors.

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Court : Delhi

Decided On : May-03-2018

Appellant : Sunil Kumar

Respondent : The State Govt. Of Nct of Delhi & Ors.

Judgement :

\$~73 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

03. 05.2018 CRL.REV.P. 97/2018 SUNIL KUMAR

... Petitioner

THE STATE GOVT. OF NCT OF DELHI & ORS.

... RESPONDENTS

versus Advocates who appeared in this case: For the

... Petitioner

: Mr. Harshit Jain, Adv. with petitioner in person. : Ms. Neelam Sharma, Addl. PP for the State For the

... RESPONDENTS

CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT0305.2018
SANJEEV SACHDEVA, J.

(ORAL) CrI. M. (Bail) 220/2018 (suspension of sentence) 1. The petitioner impugns judgment dated 19.10.2016 whereby the appeal of the petitioner impugning judgment dated 22.06.2015 and order on sentence dated 26.06.2015 in a complaint case under Section 138 of the Negotiable Instruments Act, 1881, was dismissed in default by the appellate court.

2. The respondent had filed a complaint under Section 138 of the Negotiable Instruments Act. The petitioner was held guilty and CRL.REV.P. 97-2018 Page 1 of 3 sentenced to undergo simple imprisonment of 9 months and to pay a fine of Rs. 3.50 lakhs within 30 days and in default to further undergo simple imprisonment of 60 days.

3. On 21.03.2018 statement of respondent was recorded that respondent was agreeable to compounding of offence on receipt of the amount of Rs. 2.60 lakhs which was deposited by the petitioner with the trial court. The original cheque amount which was subject matter of the complaint case was of Rs. 2 lakhs. In terms of the judgment of the Supreme Court in Damodar S.

4. Prabhu versus Sayed Babalal H., (2010) 5 SCC663 this Court on 21.03.2018 accepting the submissions of counsel for the petitioner as well as respondent/complainant, directed the petitioner to deposit 15% of the cheque amount with the Delhi Legal Service Authority (DLSA). The trial court was further directed to release the said amount of Rs. 2.60 lakhs in favour of the respondent.

5. Learned counsel for the petitioner submits that the cost amounting to Rs. 30,000/- being 15% of the cheque amount has been deposited with the DLSA on 03.05.2015. Original Receipt has been produced in court for perusal.

6. He further confirms that the said amount of Rs. 2.60 lakhs has been released by the trial court to respondent.

7. In view of the above and in view of the statement made by the CRL.REV.P. 97-2018 Page 2 of 3 counsel for the respondent on 21.03.2018 under instructions

from Mrs. Suraj Kanta Bhashkar R-2 (I), the subject offence is compounded in terms of Section 147 of the Negotiable Instruments Act. The petitioner is accordingly acquitted of the said offence.

8. The petition is disposed of in the above terms. The original receipt shall be filed before the Trial Court.

9. Order Dasti under signatures of the Court Master. SANJEEV SACHDEVA, J
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