

IN THE COURT OF SH. VINEET KUMAR:  
ADDITIONAL SESSIONS JUDGE-02; WEST DISTRICT  
THC: DELHI.

CNR No. DLWT01-003496-2023

Criminal Appeal No. 142/2023

**PRADIP KUMAR SHUKLA**

S/o Ramesh Dutt Shukla

R/o C-903, A V J Heights, Plot No. 12/2,

Zeta-1, Greater Noida, Rampur Jagir,

Gautam Buddha Nagar,

UP-201306. Mob. No. 9565831842.

... Appellant

Vs.

**PRAGI LAL**

S/o Hem Raj

R/o Flat No.1546, Pocket-B,

Dwarka, Delhi-110078.

Mob. No.9958375603.

... Respondent

**ORDER**

1. Vide the present Criminal Appeal invoking the provisions of Section 415(2) BNSS r/w 374(3) Cr. P.C, the judgment dated 11.01.2023 and sentence dated 06.03.2023 respectively passed by the court of Ld. JMFC (NI Act-03) (West), THC have been assailed vide which the appellant was held guilty for the offence punishable under 138 NI Act and was sentenced to pay a fine/compensation of Rs. 32,70,000/- to the respondent/complainant within a month and simple imprisonment for four months failing which, convict/appellant was directed to undergo SI for three months.

2. In nutshell, the relevant facts of the present case for

disposal of the pending criminal appeal are that the appellant/accused was running a society in the name of Lakshya Cooperative Urban Thrift and Credit Society Ltd. and induced innocent persons, including the complainant, to deposit money on the assurance of higher returns than banks. Relying on such representations, the complainant invested a total sum of ₹25 lakhs in FDRs and RDs up to November 2014 with a promise of 2% monthly interest. Upon maturity, the accused made part payment of ₹23,20,000/- through nine cheques; however, the initial cheques presented were dishonoured. On the assurance of the accused that payment would be made in cash, the complainant refrained from initiating proceedings within limitation, but the accused failed to honour his commitment. Thereafter, six cheques (Ex. CW1/1 to Ex. CW1/6) were presented, which were also dishonoured vide returning memos dated 17.03.2015 (Ex. CW1/7 to Ex. CW1/12). Despite service of legal demand notice dated 15.04.2015, the accused failed to make payment, leading to the filing of the present complaint under Section 138 NI Act. After pre-summoning evidence, cognizance was taken and the accused was summoned. Notice under Section 251 Cr.P.C. was framed, to which the accused pleaded not guilty and claimed trial. He admitted his signatures on the cheques but denied filling in the remaining particulars and denied any liability, alleging that the cheques were forcibly taken from him at gunpoint by the complainant along with certain associates. He also denied receipt of the legal demand notice. The complainant examined himself as CW-1 and reiterated the contents of the complaint by way of affidavit (Ex. CW1/A), relying upon documents Ex. CW1/1 to Ex. CW1/14 and Mark A

& B, and thereafter closed his evidence on 27.01.2018.

3. Thereafter, in his statement under Section 313 Cr.P.C., the appellant/accused denied any legally enforceable liability and reiterated his defence that the cheques were forcibly taken and misused. In defence evidence, the accused examined himself as DW-1, stating that the complaint is false and that the cheques in question bear only his signatures while other particulars were not filled by him, and were allegedly taken under threat at gunpoint from his office. The accused also examined DW-2, Ct. Urmila, who produced DD entries (Ex. DW2/1 and Ex. DW2/2) in support of the defence version. Thereafter, the defence evidence was closed vide statement dated 04.02.2020. Thereupon final arguments were heard, after which, Ld. trial court vide the impugned orders, convicted the appellant and then sentenced him, as mentioned above.

4. Aggrieved by the said impugned orders, appellant preferred the present criminal appeal and notice of the same was issued to respondent. TCR was also summoned.

5. It is worthwhile to mention that during the pendency of this appeal, the parties herein have appeared before the Ld. Mediator at Mediation Centre and settled the present matter vide settlement deed dt. 06.01.2026 for a settlement amount of Rs. 17,54,000/- to be paid in installments. Appellant, has submitted that the entire amount as per mediation settlement has been paid to the respondent. Respondent has also submitted that he has received the full settlement amount of Rs.17,54,000 /- from the appellant as per the settlement. He has further stated that he has no objection in compounding the present matter in this appeal.

6. In view of above discussion, it is clear that both parties

have amicably settled their dispute and respondent /complainant has received entire settlement amount as per the settlement deed. Now, the parties have prayed for compounding of offence/disposal of the present appeal in view of the statements recorded before this court.

7. Keeping in view the facts and circumstances in totality and in the light of fact that parties have settled the dispute between them, the offence under Section 138 N.I. Act stands compounded and consequently appellant/accused namely **Pradip Kumar Shukla** stands *acquitted*. As nothing remains to be adjudicated in the present criminal appeal now, therefore, same is disposed of. Bail bond/surety bond stands cancelled/discharged.

8. Appeal file be consigned to record room. Copy of this judgment be placed in trial court record and same be sent to court concerned for its information.

**Announced in open Court  
today i.e. on 30.03.2026**

(VINEET KUMAR)  
ASJ-02/ WEST/ THC/DELHI  
30.03.2026