

CA 195/2022

PROSENJIT KUMAR DEY Vs. STATE OF NCT OF DELHI

29.10.2022

Present: Sh. Devraj Sharma, Ld counsel for appellant

**Fresh appeal was received by way of assignment on 14.10.2022.
It be checked and registered.**

This is an appeal assailing the judgment dated 31.08.2022 whereby appellant was convicted for offence u/s 138 NI Act. Vide said appeal, the appellant also takes exception to the order on sentence dated 17.09.2022 whereby he was sentenced to pay fine of Rs.2,70,000/- to the complainant as compensation within 30 days. In default of payment of sentence amount, appellant was directed to undergo simple imprisonment for thirty days.

The appeal is accompanied with an application u/s 389 CrPC seeking suspension of sentence and grant of bail.

Heard. Considered.

The order of sentence dated 17.09.2022 shall remain suspended till pendency of present appeal subject to appellant depositing 50% of the fine/compensation amount (in the name of respondent) in the form of FDR within 60 days from today before Ld. Trial Court. The respondent shall be at liberty to approach Ld. Trial Court for release of same in his favour as per law subject to the condition that in case the appellant succeeds in appeal, the amount along with the interest as determined by the court shall be returnable.

A report be called from Ld. Trial Court regarding deposit/ non-deposit of compensation amount by next date of hearing.

The appellant is admitted to bail on furnishing PB/SB in the sum of Rs.15,000/- to the satisfaction of Ld. Trial Court within four weeks from today.

Issue notice of the present appeal to the respondent on filing of PF/Speed Post for next date of hearing.

TCR be requisitioned four days prior to the next date of hearing. Copy of the order be sent to Ld. Trial Court and be given dasti to Ld. Counsel for appellant.

Be listed on **22.03.2023**.

(ANUJ AGRAWAL)
ASJ-05, South-East District
Saket Courts, New Delhi:29.10.2022