Pawan Aggarwal v. Jasvir Kohli
CNR No.: DLCT01-000610-2025
Crl. Appeal No. 13/2025

04.06.2026

Present : Mr. Giriraj Singh, Ld. Counsel for the appellant.
The appellant in person.
Mr. C.D. Rai, Ld. Counsel for the respondent.

Arguments on pending application of the respondent under Section 148(3) NI Act have been addressed by the Ld. Counsel for the appellant as well as by the Ld. Counsel for the respondent.

List for order for order on application of the respondent under Section 148(3) NI Act at **05:00 p.m.**

In the interest of justice and as prayed for, list for arguments on merits **10.09.2026**.

ABHISHEK GOYAL Digitally signed by ABHISHEK GOYAL Date: 2026.06.04 14:53:56 +0530

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
04.06.2026

It is 12:00 noon.

Present : Mr. Giriraj Singh, Ld. Counsel for the appellant.
The appellant in person.
Mr. C.D. Rai, Ld. Counsel for the respondent.

The present application has been moved on behalf of the respondent under Section 148(3) of the Negotiable Instrument Act (NI Act), seeking release of 20% of the fine amount, which was deposited by the appellant in compliance of order dated 15.01.2025 of this Court, in favour of the respondent.

Ld. Counsel for the appellant has submitted that the matter may be instead heard on merits and that the present application may be decided once the present appeal is finally disposed off by this Court.

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Heard. Record perused.

At the outset, it is observed that Section 148 (3) of NI Act permits release of 20% of the fine amount as directed to be deposited by the appellant, in terms of Section Section 148 (1) of NI Act, in favour of the complainant at, "*any time during the pendency of the appeal*". Notably, the objective of the said provision is to be provide temporary respite to the complainant once an order of conviction is passed by the trial Court and the matter is pending for adjudication in an appeal by the convict. Pertinently, as per the statement of Objects and Reasons of Negotiable Instruments (Amendment) Bill, 2017, the reason for insertion of Section 148 NI Act under the statutes was to curb the tendency of an unscruplous litigant in delaying the proceedings in an appeal as well as to provide temporary relief to the payee of dishonour cheque. Correspondingly, as per proviso to Section 148(3) NI Act, in case the appeal of a convict is finally adjudicated in favour of the convict/appellant, the complainant is required to repay the amount, released in his favour under Section 148(3) NI Act along with the interest at the prevelant bank rate, within the period specified therein.

Ergo, in light of the foregoing submissions, judicial dictates, statutory provisions as well as being wary of the fact that the proceedings in the present case are pending adjudication before this Court as early as on 15.01.2025 with repeated opportunities being granted to the appellant to address arguments, this Court deems it fit to ***allow*** the present application under Section 148 (3) of NI Act.

Consequently, the demand draft bearing no. 686723 in the sum of Rs. 1,00,000/- (Rupees One Lakh only) drawn on Indian Bank, Subzi Mandi Branch, Delhi dated 03.03.2025 **be**

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released to the respondent, upon ascertaining the identity of the applicant/respondent as well as upon the retention of a copy of the said demand draft containing due acknowledgment of receipt of the original demand draft by the applicant/respondent.

Further, **issue notice to the concerned branch of Indian Bank** to release the said amount of 1,00,000/- (Rupees One Lakh only) in the account of the respondent, namely, Jasvir Kohli, as provided by him, upon presentation of original demand draft by the respondent before the concerned bank.

Accordingly, the present application is ***disposed off*** in above terms.

A copy of present order be given ***dasti*** to Ld. Counsel for the applicant/respondent.

A copy of this order be also sent to the concerned branch of Indian Bank, through SHO, PS Kashmere Gate, for record and compliance purposes.

ABHISHEK GOYAL

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Date: 2026.06.04 14:54:11 +0530

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
04.06.2026