

CNR No. DLCT01-005123-2024
CA No. 156/2024
M/s. Om Shanti Telecom Vs. M/s. Kay Ess Trade Links

23rd April, 2024

Present: Sh. Hanish, Counsel for appellant.
Sh. Sudesh Goyal, Counsel for respondent.

Present appeal is filed against the judgment dated 22.11.2023 and the order on sentence dated 29.11.2023 passed by Sh. Raj Kumar Singh, Ld. MM-03 (NI Act), Central, Delhi in CC No. 09/2020 in case titled as '*M/s. Kay Ess Trade Links Vs. M/s. Om Shanti Telecom*', wherein appellant is convicted for the offence punishable U/s. 138 of N.I. Act and is sentenced to SI for a period of two months and also to pay a fine of Rs. 5,50,000/- to the complainant as compensation and in default of payment of fine/compensation to the complainant, the convict shall further undergo SI for a period of six months.

IA No. 01/2024

This is an application seeking condonation of delay in filing the present appeal.

Copy of application seeking condonation of delay is supplied to the counsel for respondent.

Fresh vakalatnama filed on behalf of the respondent. Same is taken on record.

Heard. Record perused.

It is submitted that the Court became vacant after passing of the impugned order and therefore, the appellant faced difficulty in obtaining the certified copies and consequently, there was delay in filing the present appeal.

Taking a lenient view, the delay is condoned.

Application stands disposed of.

IA No. 02/2024

An application for suspension of sentence including payment of compensation and grant of bail is filed alongwith the present appeal.

Heard. Record perused.

The impugned order of sentence dated 29.11.2023 stands suspended and appellant is admitted to bail on his furnishing personal bond and surety bond in the sum of Rs. 50,000/- to the satisfaction of the concerned Id. MM/Id. Link MM.

The appellant is also directed to deposit 20% of the compensation amount within 30 days from today in the form of FDR in the name of this Court.

Application stands disposed of.

CA No. 156/2024

Issue notice of the appeal to the respondent on filing of PF/RC for NDOH.

Counsel for respondent accepts notice of the appeal.

The Counsel for appellant seeks some time to supply copy of appeal to the Counsel for respondent.

Let the same be supplied within a week from today.

List the matter for reply and arguments on appeal on **28.08.2024**.

A copy of the order be given dasti to the Id. Counsel for the appellant.

(SUSHIL ANUJ TYAGI)
ASJ-04/Central/Delhi
23.04.2024_(VR)