

**IN THE COURT OF MS. ADITI RAO, METROPOLITAN
MAGISTRATE (N.I. ACT)-03, SOUTH EAST DISTRICT
SAKET COURTS, NEW DELHI**

Case No. 623224/2016

Intec Capital Ltd.

RO: 701, Manjusha Building, 57,

Nehru Place, New Delhi-110019.

Through its Authorized Representative

.....Complainant

VERSUS

Mr. Darpan Jitendra Shah

Flat No. 601, Jeevan Bodhmamlatdar Wadi,

Mumbai City, Maharashtra, India.

.....Convict

ORDER ON SENTENCE

08.06.2023

Present: Ld. Counsel for complainant with AR.
Sh. Rajesh Bagga, Ld. Proxy Counsel for convict
with convict.

1. The accused was convicted vide judgment dated 17.05.2023.

2. Ld. Counsel for the complainant had submitted that heaviest cost should be imposed upon the convict and complainant be provided with a fair compensation amount. It is further submitted that the complainant had to go through various hardships as the matter was pending since more than 7 years and was delayed due to delaying tactics used on part of the convict during the whole trial.

3. *Per contra*, Ld. Counsel for the convict submitted that the convict had never intentionally tried to delay the court proceedings regarding the present matter and therefore, requested that a lenient view be taken and minimum punishment be imposed upon the convict.
4. Heard arguments on sentence on behalf of both the parties and perused the record with due circumspection.
5. The convict had issued a cheque in question in favour of the complainant for a total sum of Rs.1,37,10,149/-.
6. The provisions relating to dishonour of cheque under the Negotiable Instrument Act 1881 have been provided to ensure faith of the public in negotiable instruments for smooth commercial business and other transactions. Therefore, keeping in view, the object of the Act i.e. to discourage unscrupulous people from issuing cheque without any intention to honour the same, this Court is of the view that the punishment imposed should be in consonance with the deterrent effect which the legislation intended to achieve.
7. Considering the entire facts and circumstances of the present case and keeping in mind the duration of the trial this court deems it fit that the fine imposed as below shall be the appropriate sentence and would serve justice. Hence, the convict is sentenced to pay a fine of **Rs.1.85 Crore** which shall be paid to the complainant by the convict as compensation within one month from the date of this order, in default of which, the convict will be liable for simple imprisonment for six months.

8. Copy of the order on sentence be given dasti to the Ld. Counsel for convict.

**Announced in the Open Court
on 08.06.2023**

**(ADITI RAO)
Metropolitan Magistrate-03, NI Act
South East District/ Saket Court/New Delhi**