

CA No. 04/2025
MS. NILOUFER KHAN
VS. SURAJ KUMAR PATHAK

04.01.2025

Fresh appeal U/s. 415 of BNSS, 2023, received by assignment. It be checked and registered.

Present: Appellant Ms. Niloufer Khan not present.
Mr. Raees Khan, Ld. Counsel for appellant.

Heard. Appeal file perused.

Appellant Niloufer Khan was convicted for offence U/s. 138 N. I. Act by Ld. JMFC, NI Act (Digital Court-02), South-East District, Saket Courts, vide judgment dated 05/11/2024. Vide order on sentence dated 25/11/2024, the appellant was sentenced to pay fine of Rs.17,80,000/- with simple interest thereon @ 9% per annum from the date of filing of complaint, upto the date of its realization, within 60 days, to be paid to complainant as compensation. In default of payment of fine, the appellant/convict was ordered to undergo sentence of Simple Imprisonment of 06 months.

The appeal is accompanied by application U/s. 430 of BNSS, 2023, seeking suspension of sentence and grant of bail.

Subject to prior deposit of part compensation amount of Rs.4,00,000/- as security, the operation of impugned judgment dated 05/11/2024 and sentence dated 25/11/2024 shall be suspended till further orders/disposal of appeal, whichever is earlier.

The order of sentence dated 25/11/2024 shall remain suspended till pendency of present appeal subject to deposit

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Rs.4,00,000/- of the total fine amount of Rs.17,80,000/- (in the name of respondent) in the form of FDR / demand draft 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 **subject to furnishing of indemnity bond of same amount** and as per law subject to the condition that in case the appellant succeeds in appeal, the amount alongwith the interest as determined by the Court shall be returnable. A report be called from Ld. Trial Court regarding deposit/non-deposit of fine amount by next date of hearing.

The appellant is admitted to bail on furnishing PB/SB in the sum of Rs.25,000/- to the satisfaction of Ld. Trial Court, subject to prior furnishing of part compensation amount ordered today.

Issue notice of appeal to respondent Suraj Kumar Pathak, on PF/speed post, for next date of hearing. Steps be taken within 07 days.

Put up for appearance of respondent and further proceedings on 03/03/2025.

Appellant shall appear in person in Court on next date of hearing.

Copy of this order be sent to Ld. Trial Court and be given dasti to Ld. Counsel for appellant, for compliance.

TCR be requisitioned four days prior to the next date of hearing.

(VISHAL SINGH)
ASJ-05, South-East District
Saket Courts, New Delhi:04.01.2025