

18.08.2025

Present: Appellant/Convict is present in person.

Sh. Vikas, Ld. Counsel for appellant (through VC).

Respondent along with Ld. Counsel Sh. Rahul Gupta.

1. It is submitted by Ld. Counsel for the appellant/convict that the matter has been settled in the Mediation Centre and as per the terms and schedule of Mediation settlement, the matter has been settled for a total sum of Rs.1,85,000/- towards full and final settlement of the present case and in pursuant of the settlement, the first installment of Rs.20,000/- is to be paid today i.e. on 18.08.2025 and the second installment of Rs.1,48,000/- is to be paid on or before 15.11.2025 by way of RTGS/NEFT/Online mode. However, today, appellant/convict has not brought the amount of first installment amounting to Rs.20,000/- due to some personal difficulty.

2. At this juncture, it is submitted by Ld. Counsel for respondent (complainant in 138 N I Act) that as per the order dated 10.08.2025 of Mediation Centre, according to Para No.8 of this Mediation order dated 10.08.2025, it was agreed between the parties that in case of any default in payment of any of installments for any reason whatsoever, the respondent shall have the right to recover the entire outstanding amount from appellant along with penalty of Rs.15,000/- over and above the settlement amount, as fine, in terms of Section 431 Cr.P.C (471 BNSS) read with Section 421 Cr.P.C (461 BNSS) and he shall also be liable for contempt proceedings under Section 2(b) of the Contempt of Courts Act, 1971 for violation

thereof.

3. Ld. Counsel for the respondent/complainant further submits that the accused/convict has neither complied with the order of this court dated 17.04.2025 whereby, his sentence was suspended only subject to deposit of 20% of the compensation/fine amount by the appellant within a period of 60 days under Section 148 N I Act nor he has complied with the order of Mediation Centre dated 10.08.2025. Therefore, now, complainant shall move an appropriate application for execution of sentence against the Convict and for giving effect to the default/penalty/breach as per Para no.8 of the order of Mediation centre dated 10.08.2025.

4. Submissions heard. Record perused.

5. Admittedly, the appellant/convict has not complied with the order dated 17.04.2025 passed by this court nor with the order dated 10.08.2025 passed by Mediation Centre, as such, the respondent shall be at liberty to take appropriate steps for execution of sentence against the appellant/convict as per law. Matter be now, put up for arguments on appeal on merits on 18.10.2025.

Date given as per the convenience of both the parties.

(SURABHI SHARMA VATS)
ASJ-04/Shahdara/KKD Courts,
Delhi/18.08.2025