

ORDER ON SENTENCE

CA No. 596/2025

M/s Nextgen Enterprises Vs. Jahangir

08.04.2026

Present: Sh. Ruchir Batra and Sh. Gourav Saini, Ld.
Counsels for appellant.
Sh. B K Dwivedi, Ld. Counsel for respondent with
respondent.

Fresh *vakalatnama* is filed on behalf of the
respondent/convict. The same is taken on record.

Vide judgment dated 20.03.2026, this Court had
allowed the appeal preferred by the appellant, M/s Nextgen
Enterprises, and set aside the judgment dated 10.07.2024 passed
by the Learned Judicial Magistrate First Class-08, NI Act, South
District, whereby the respondent was acquitted of the offence
punishable under Section 138 of the Negotiable Instruments Act,
1881. Consequent upon the said judgment of conviction, the
matter was listed today for hearing the parties on the quantum of
sentence.

Heard learned counsel for the appellant as well as
learned counsel for the respondent on the point of sentence. The
learned counsel for the appellant has urged that the respondent be
awarded the maximum punishment prescribed under law,
submitting that the dishonour of cheque to the tune of
Rs.2,75,000/- has caused financial loss and undue hardship to the
complainant. Per contra, learned counsel for the respondent has

prayed for a lenient view, contending that the respondent has not availed any loan from the appellant and is earning a modest income of approximately Rs.14,000/- per month, and therefore is not in a position to bear a harsh sentence.

I have given thoughtful consideration to the rival submissions and have perused the record. The offence under Section 138 of the Negotiable Instruments Act is quasi-criminal in nature, primarily intended to ensure the credibility of commercial transactions and to provide restitution to the complainant. In the present case, the cheque amount is Rs.2,75,000/-, and the dishonour thereof stands duly established in terms of the judgment of conviction already rendered by this Court. Considering the nature of the offence, the amount involved, and the overall facts and circumstances of the case, I am of the view that the ends of justice would be adequately met by imposing a sentence of fine with compensation.

Accordingly, the respondent is sentenced to pay a sum of Rs.3,25,000/- (Rupees Three Lakhs Twenty-Five Thousand only) to the complainant/appellant as compensation within a period of 15 days from today. In default of payment of the said amount within the stipulated period, the respondent shall undergo simple imprisonment for a period of three months. It is further directed that in case the compensation amount is not paid within the stipulated time, the same shall be recoverable as fine in accordance with Sections 421 read with 431 of the Code of Criminal Procedure, 1973.

The respondent is informed of the consequences of non-payment of compensation. A copy of this order be given to the respondent/convict free of cost forthwith. The learned Trial Court shall ensure the execution of sentence in the present case. Copy of the judgment in appeal along with this order on sentence be also supplied to the parties. Trial Court Record be sent back to the learned Trial Court along with a copy of the judgment dated 20.03.2026 and the present order on sentence for information and carrying out the execution of sentence in accordance with law.

The appeal file be consigned to the Record Room after due compliance. Ordered accordingly.

(SAMAR VISHAL)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/08.04.2026