

CA No. 2163/2024
M/s B.N. Health Drinks & Ors.
Vs. M/s La Organiq Foods Pvt. Ltd.

01.10.2024

Fresh appeal received by way of e-filing. It be checked & registered.

Present: Appellant No.2 in person with Ld. Counsel Sh. Mukul Kumar Gupta & Sh. Bhavya Shankhdhaar.

Hard copy of the present appeal filed by Ld. Counsel for the appellant. Same be taken on record.

Present appeal U/s 415(3) BNSS has been filed against the judgment dated 24.06.2024 and the order on sentence dated 03.09.2024, passed by the Court of Ms. Aastha Sharma, Ld. JMFC (NI Act)-09, South West District, Dwarka Courts, New Delhi, in CC No.6383/2019, in a case titled as '*M/s La Organiq Foods Pvt. Ltd. Vs. M/s B.N. Health Drinks & Ors.*', wherein appellant No.2 was convicted for the offence punishable U/s 138 of N.I. Act and was sentenced to SI for a period of two months and also to pay a fine of Rs.3,00,000/- (Rs.Three Lacs only) to the complainant along with a simple interest of 2% per annum to be calculated from the date of issuance of cheque till the date of sentence subject to the condition that the amount shall not exceed twice of the cheque amount, as compensation within 120 days from the date of the order and in default of payment of fine/compensation to the complainant, the convict No.2 shall further undergo SI for a period of three months.

...contd./-

...2/-

Heard. The appeal is admitted subject to just exceptions.

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

Heard. Record perused.

The impugned order of sentence dated 03.09.2024 stands suspended and appellant is admitted to bail on his furnishing personal bond and surety bond in the sum of Rs.30,000/- to the satisfaction of the concerned Ld. MM/Ld. Link MM/Ld. Duty 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 the Ld. Principal District & Sessions Judge, South West District, Dwarka Courts, New Delhi.

Issue notice of the appeal to the respondents on filing of PF & RC for the NDOH.

Steps be taken within 7 working days from today.

List the matter **for appearance of the respondents as well as for arguments on 09.12.2024.**

Trial Court record be summoned for the said date.

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

(SADHIKA JALAN)
Addl. Sessions Judge (FTSC) (RC)
South West District, Dwarka Courts
01.10.2024(sb)