

CA no.174/2026

Avinash Kumar Sharma Vs. Anil Choudhary

05.01.2026

Fresh criminal appeal received by way of assignment. It be checked and registered.

Present: Sh. Dinesh Kumar Chawla, Ld. Counsel for appellant.

The present appeal has been filed against the Judgment dated 16.01.2026 and Order on sentence dated 18.02.2026 of Ld. JMFC (NI Act)-10, South, Saket Courts, New Delhi in CC NI Act no.5906/2021.

Application for suspension of sentence dated 18.02.2026 has also been annexed with the present criminal appeal.

I have heard the submissions of Ld. Counsel for the appellant-convict on application for suspension of sentence.

Vide Impugned Judgment dated 16.01.2026, the appellant has been convicted for offence punishable under Section 138 NI Act. Vide Order on Sentence dated 18.02.2026, the appellant-convict has been sentenced to simple imprisonment for a period of six months and to pay a fine of Rs.4,20,000/- to the complainant as compensation within 45 days from the date of order, in default of which convict shall further undergo simple imprisonment of three months.

In the facts and circumstances of the case and the submissions put forth by Ld. Counsel for appellant-convict, the operation of Judgment dated 16.01.2026 and Order on Sentence dated 18.02.2026 is stayed till the disposal of the present appeal.

Further, as per Section 148(1) of NI Act and the judgments of **G. K. Construction Company Vs Balaji Makan**

Samagri Stores in Criminal Misc(Pet) No. 189/2022 dated 04.03.2022 of Hon'ble Rajasthan High Court and T. K. Sajeevan Vs Francis T. Chacko & Anr. in OP (Crl.) No. 348 of 2019 dated 08.08.2019, Hon'ble High Court of Kerala, hearing of appeal is subject to deposit of 20% of the fine amount.

Thus, the hearing of appeal is subject to the deposit of minimum 20% of the fine amount within stipulated time before Ld. Trial Court.

The appellant-convict is admitted to bail during the suspension of sentence on furnishing personal bond in sum of Rs.30,000/- with one surety in the like amount to the satisfaction of Ld. Trial Court within three days.

Application for suspension of sentence stands disposed of accordingly.

Issue notice of the present appeal to the respondent for next date of hearing on filing of PF/speed post/Authorized Courier as well as through electronic mode within three working days.

Trial Court Record be also summoned for next date of hearing.

Now to come up for appearance of respondent and further consideration on **03.06.2026**.

Copy of this Order be dispatched to Ld. Trial Court for information. Copy of this Order be also given *dasti* to appellant/Ld. Counsel for convict-appellant.

**(SAMAR VISHAL)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI/11.05.2026**