

04.06.2026

Fresh appeal has been received by way of assignment. It be checked and registered as per rules.

Present: Director of Appellant Company Lt. Col. R. D. Mishra in person with Ld. Counsels, Sh. Akash Gupta and Ms. Rachana Singh Chouhan.
Sh. Naveen, Ld. Counsel for the respondent.

The present matter is appeal against the judgment of conviction for the offence U/s 138 NI Act dated 06.02.2026 and order on sentence dated 09.02.2026 vide which the accused/convict was sentenced to pay a fine of Rs. 20 Lakh and in default of payment of fine, he was sentenced to imprisonment of 08 + 02 months.

It has been submitted by Ld. Counsel for the appellant that there is a delay of 08 days in filing the present appeal and the application for condonation of delay has been filed alongwith the appeal petition.

It has been submitted by Ld. Counsel for the respondent that delay in filing the present appeal is of more than 08 days and he opposes the present application vehemently.

Talks regarding settlement held. There does **not** appear any element of settlement in the matter and hence, the matter be proceeded on merits.

Submissions advanced by Ld. Counsel for appellant on the application u/s 389 Cr.P.C (U/s 430 BNSS, 2023) heard. Case file perused and considered.

An application U/s 148 NI Act seeking direction to deposit 20% of the compensation amount has been filed on behalf of the respondent.

Another application praying for waiver of the requirement of depositing 20% of the compensation amount has been moved on behalf of the appellant.

Heard. Perused.

It has been submitted by Ld. Counsel for the appellant that he seeks waiver of the 20% compensation amount as the present matter is an exceptional case as the judgment of conviction is erroneous and is not based on evidence. No independent witness has been examined. It has been submitted by the appellant/ convict that he has to pay certain loan amounts and that is why he is unable to deposit the said 20% of the compensation amount as a condition for hearing of the said appeal.

However, on the other hand, the application for waiver of the 20% compensation amount moved on behalf of the appellant is vehemently opposed by the Ld. Counsel for respondent and has strongly pressed his application moved U/s 148 NI Act. It has been submitted by Ld. Counsel for respondent that the judgment of Ld. Trial Court is well reasoned and there is no error in the same. It is further submitted that the appellant/

convict is a retired Lt. Colonel and is drawing a pension of 1.7 Lakhs.

Both the sides have been heard and record has been perused.

The Court is in agreement with the submissions made by the Ld. Counsel for the respondent that the appellant/convict is a pensioner and is a Retd. Lt. Colonel and is admittedly drawing a handsome pension of Rs. 1.4 Lakh. Further, perusal of the judgment prima-facie, shows that it is a well-reasoned order. In the opinion of the Court, there is no exceptional circumstance to allow the application praying for waiver of the 20% compensation amount by the appellant/convict.

Thus, in view of the above, application moved on behalf of appellant / convict praying for waiver of 20% compensation amount is dismissed and the application moved on behalf of the respondent U/s 148 NI Act stands allowed.

In view of the above discussion, appellant is directed to deposit an amount of 20% of the total compensation amount awarded by Ld. Trial Court within 60 days from today and appellant/accused is admitted to bail on his furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount.

Bail bonds furnished and accepted. The sentence awarded to him by the Ld. Trial Court shall remain suspended till disposal of this appeal.

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Appellant/ Ld. Counsel for the appellant is directed to supply copy of the appeal petition to the respondent within the course of the day.

Put up for filing of reply to the pending appeal/ consideration on application praying for condonation of delay for **20.08.2026**.

Copy of the order be given dasti to appellant.

(RASHMI GUPTA)
ASJ (SFTC), Dwarka Courts
04.06.2026