

Shew Prokash Saha & Ors. vs. CISCO System Capital India P. Ltd.

16.01.2026

Fresh appeal is received by way of allocation. It be checked and registered as per rules.

Present: Sh. Pankaj Jain and Sh. Yajur Bhalla, Ld. Counsels for appellants.

1. Application seeking exemption from personal appearance is filed on behalf of appellant Rajiv Dhamija. Perused. Considering the submissions made in the application, same is allowed for today only.

2. The present appeal u/s 415(3) of BNSS, 2023 has been filed impugning judgment dated 10.12.2025 and order on sentence dated 13.12.2025 passed by Ld. Civil Judge/JMFC, PHC, NDD in Ct. Case No. 422/2019 titled as Cisco Systems Capital (India) Pvt. Ltd. vs. Manthan Broadband Services Pvt. Ltd., whereby the appellant was convicted for the offence under Section 138 NI Act and was sentenced to undergo one year simple imprisonment and further directed to pay a fine of double the cheque amount.

3. Heard on the application u/s 430 of BNSS (389 Cr.P.C.) seeking suspension of sentence and affirming the bail bonds already furnished before the Ld. Trial Court or permitting to furnish fresh bail and surety bonds. Record perused.

4. Ld. Counsel for the appellants has submitted that there are 11 appeals in total and they have furnished surety in two cases to the tune of Rs.1,00,000/- each. It is further submitted that fixing an exorbitant surety amount would make it impossible for the appellants to comply with the said order.

5. Heard. Considered.
6. Order on sentence of the appellants be suspended till the disposal of present appeal subject to deposition of 20% of the total fine/compensation amount by way of DD in name of Ld. District & Sessions Judge, PHC, NDD, New Delhi before the Ld. Trial Court within 60 days from today and on furnishing of personal bond in the sum of Rs.50,000/- with one surety in the like amount each to the satisfaction of Ld. Trial Court.
7. However, at this stage Ld. Counsel for appellants has submitted that he has already filed application for waiver of deposit of 20% of the compensation.
8. Let the said application be heard after appearance of respondent in the present appeal. Till disposal of the application for waiver, no amount is to be deposited, as requested.
9. Let notice of the appeal be issued to the respondent on filing of PF through all permissible modes for the next date of hearing.
10. Put up for reply/arguments on the present appeal on 19.05.2026.
11. Trial Court Record be summoned atleast one day prior to the next date of hearing.
12. As prayed, a copy of this order be given dasti to the Ld. Counsel for the appellant.

(Shefali Barnala Tandon)
ASJ-06/NDD/PHC/16.01.2026 (r)