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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P.(NI) 26/2025&CRL.M.(BAIL) 231/2025**

SAMEER BHALLA

..... Petitioner

Through: Mr. Sunil Dalal, Sr. Adv. with Mr. Adit S. Pujari, Mr. Omkar Pandey, Mr. Shaurya Mittal, Ms. Vanya Chhabra, Ms. Shipra Bali, Ms. Riya Rana & Mr. Nikhil Beniwal, Advs.

versus

DEVJYOT SINGH & ANR.

.....Respondents

Through: Mr. Jayant K. Sud, Sr. Adv. with Mr. A. Kulshrestha, Mr. Vishal Dabar, Mr. Kartik Jasra, Ms. Shayal Anand & Mr. Prannit Stefano, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **03.02.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. 3311/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application stands disposed of.

CRL.REV.P.(NI) 26/2025&CRL.M.(BAIL) 231/2025

3. The present petition under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (old provision Section 397 read with Section 400 Cr.P.C.) seeks the following prayers:-

“a. Set aside the order dated 28.01.2025 passed by Ms. Sheetal Chaudhary Pradhan Ld. ASJ-02, South East District, Saket Court, New Delhi in Criminal Appeal No. 146/2023 titled as 'Sameer Bhalla v. Devjyot Singh' confirming the judgment of conviction



dated 03.03.2023 and order on sentence dated 31.03.2023 passed in Complaint Case No. 625644/2016 titled 'Mr. Devjyot Singh v. Mr. Sameer Bhalla', whereby the Revisionist was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to four months imprisonment along with imposition of fine of Rs.43,70,000/-.

b. Pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

4. *Vide*, the impugned judgment dated 28.01.2025 passed by the learned ASJ-02, South-East District, Saket Courts, the appeal of the present petitioner against the judgement of conviction dated 03.03.2023 and order on sentence dated 31.03.2023 passed by the learned Special Judge, N.I. Act, South-East District, Saket Courts in Complaint Case No. 625644/2016 titled as '*Devjyot Singh v. Sameer Bhalla*' was dismissed.

5. The petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to undergo imprisonment for 4 months alongwith a fine of Rs. 43,70,000/- after adding 9% interest per annum for the period of trial from the date of the cheque after giving allowance of 2 years of Covid delay, and simple imprisonment for one month in default of the payment of fine.

6. Learned Senior Counsel appearing on behalf of the petitioner submits that both the learned Trial Court as well as the learned Appellate Court have not considered the Income Tax Return of the complainant where admittedly, the liability towards the petitioner was shown to be Rs. 9,53,607/-. On the other hand, learned Senior Counsel appearing on behalf of the Complainant/respondent no.1 submits that the said Income Tax Return is not for the relevant period.

7. Be that as it may, let the petitioner deposit a sum of Rs. 10,00,000/-



with the Worthy Registrar General of this Court which shall be converted into a Fixed Deposit Receipt ('FDR') till the next date of hearing. In the meantime, the order on sentence dated 31.03.2023 passed by the learned Special Judge, N.I. Act, South-East District, Saket Courts shall remain suspended till the next date of hearing.

8. List on 04.03.2025.

9. The Registry is directed to requisition the trial court record for perusal of this Court before the next date of hearing.

10. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

FEBRUARY 3, 2025/nk

[Click here to check corrigendum, if any](#)