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

+ **CRL.REV.P. 491/2024**

M/S KELTECH INFRASTRUCTURE LTD Petitioner

Through: Mr. Ramesh Gupta, Sr. Adv. with Mr.
Vikas Goyal and Mr. Sanjay Gupta,
Advs.

versus

PARAMOUNT INFRASTRUCTURE LTD Respondent

Through: Mr. Arun Vohra, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.05.2024

CRL.REV.P. 491/2024

1. Issue notice. The learned counsel named above accepts notice on behalf of the respondent.
2. Let the reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed before the next date.
3. List on 10.09.2024, the date already fixed.

CRL.M.A. 16630/2024 (stay)

4. The present application has been filed under Sections 482/397(1) CrPC seeking stay of the operation of the impugned order dated 29.02.2024 passed in Criminal Appeal No.233/2023.
5. The petitioner was convicted for the offence under Section 138 of the NI Act by the Court of learned Metropolitan Magistrate and an order of sentence was passed whereby the petitioner was sentenced to imprisonment



till rising of the Court and further sentenced to pay a compensation of Rs.1.45 crores to the respondent/complainant in default of compensation, the petitioner would further undergo imprisonment for a period of six months.

6. An appeal was preferred by the present petitioner against the order of conviction and sentence, however, the said appeal was dismissed *vide* impugned order dated 29.02.2024 against which the present revision petition has been filed.

7. Notice in the revision petition has already been issued and the present application has been filed seeking stay of the operation of the impugned order as noted above.

8. The learned Senior Counsel for the petitioner, on instructions from the Authorised Representative (AR) of the petitioner company, Mr. Upender Kumar Singh, who is present in Court submits that to show its *bona fide*, the petitioner shall pay 30% of the compensation amount in three equal instalments as under:-

(i) first instalment shall be paid on 30.06.2024;

(ii) second instalment shall be paid on 30.07.2024;

(iii) third instalment shall be paid on 30.08.2024.

9. He further submits that aforesaid payment is in addition to the 20% of the compensation amount already paid to the respondent/complainant at the time of hearing of appeal.

10. In view of the above, issue notice. The learned counsel named above accepts notice on behalf of the respondent/non-applicant.

11. The learned counsel for the respondent/complainant, on instructions submits that without prejudice to his rights and contentions, the aforesaid instalments are acceptable to the respondent who has no objection in case



the operation of the impugned order is stayed till the next date subject to the payment of aforesaid instalments.

12. In view of the above, subject to the aforesaid payment of 30% of the compensation amount in three instalments as noted above, the operation of the impugned order dated 29.02.2024 passed in Criminal Appeal No. 233/2023 shall remain stayed till the next date. Needless to say that in the event of default in the payment of instalments, the stay shall automatically stand vacated.

13. List on 10.09.2024, the date already fixed.

VIKAS MAHAJAN, J

MAY 30, 2024/dss