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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 567/2024

SHRWAN KUMAR

..... Petitioner

Through: Mr.Yoginder Kumar, Advocate

versus

THE STATE(NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Abhilash

Mr. Pramod Bahuguna, Advocate for complainant

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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16.05.2024

CRL.M.A. 12683/2024 (exemption)

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

CRL.REV.P. 567/2024 and CRL.M.(BAIL) 707/2024 (suspension of sentence)

1. By way of present petition filed under Section 397/401 read with Section 482 Cr.P.C., the petitioner seeks to assail the order dated 07.03.2024 passed in C.A. No.25/2021 whereby the appellant's challenge to the judgment of conviction dated 23.03.2021 and order on sentence dated 25.03.2021, was dismissed.
2. Notably, the petitioner has been convicted for the offence punishable under Section 138 NI Act and sentenced to pay a fine double the cheque amount i.e., Rs.5,93,462/-, in default whereof, to undergo simple imprisonment for a period of three months.



3. Learned counsel for the petitioner submits that during the pendency of the trial, the petitioner has also handed over a sum of rupees equivalent to 20% of the cheque amount under Section 143A to the complainant. To show his bonafide, the petitioner undertakes to deposit a sum of Rs.3,00,000/- with the Registrar General of this Court during the course of the day.
4. Issue notice.
5. Learned APP for the State as well as learned counsel for the complainant accept notice. Learned counsel for the complainant, on instructions, confirms that during the pendency of the trial, 20% of the cheque amount was received by the complainant.
6. Let a digitized copy of the trial court record as well as the appellate court record be requisitioned and made available on the next date of hearing.
7. List on 26.09.2024.
8. In the meantime, subject to the petitioner depositing Rs.3,00,000/- with the Registrar General of this Court during the course of the day, the order imposing default sentence shall remain stayed.

MANOJ KUMAR OHRI, J

MAY 16, 2024

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