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

+ **CRL.REV.P. 758/2023 & CRL.M.(BAIL) 1016/2023**

SH. BABU RAM SEROTIYA Petitioner
Through: Mr. Bijendra Kumar
Pathak & Mr. S.N. Tiwari,
Advocates.

versus

UMED KUMAR Respondent
Through: Mr. Rohitt Kumar Yadav
& Mr. Nikhil Saran,
Advocates.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
27.05.2024

CRL.M.(BAIL) 1016/2023

1. The present revision petition is filed by the petitioner / applicant under Sections 397/401 CrPC read with Section 482 CrPC against the judgment dated 27.05.2023 (hereafter the '**impugned order**') passed by the learned Additional Sessions Judge (hereafter '**ASJ**') in Criminal Appeal No. 211/2022 whereby the appeal of the petitioner against his conviction under Section 138 NI Act was dismissed.
2. The learned ASJ by impugned order has dismissed the appeal filed by the petitioner challenging the judgment dated 19.07.2022 and order on sentence dated 08.08.2022, passed the learned Trial Court in CT Cases/39332/2019, whereby the applicant was convicted under Section 138 of the Negotiable

Instruments Act, 1881.

3. The applicant was directed to pay a fine of ₹6,00,000/- to the respondent and in case of failure to pay to the said amount the petitioner was directed to undergo simple imprisonment for a period of two months.

4. This Court is of the view that the sentence of the applicant ought to be suspended, subject to petitioner depositing 50% of the cheque amount.

5. The learned counsel for the applicant submits that 20% of the cheque amount has already been deposited by the petitioner before the learned Trial Court and would require some time to deposit the balance amount.

6. Considering the aforesaid, the order-on-sentence dated 08.08.2022 is suspended, on the petitioner furnishing a personal bond for a sum of ₹15,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court on the following conditions:

- a. The applicant shall deposit 30% of the cheque amount within a period of eight weeks from date.
- b. The applicant shall provide his address where he would be residing and shall not change the address without informing the learned Trial Court;
- c. The applicant shall, under no circumstance, leave the country without the permission of the learned Trial Court.

7. The present application is allowed in aforementioned terms.

8. It is also made clear that in case 30% of the cheque amount is not deposited as directed, the respondent would be at liberty to



take appropriate action in accordance with law.

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9. List on 24.09.2024.

AMIT MAHAJAN, J

MAY 27, 2024

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