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

+ **CRL.M.C. 4636/2024 & CRL.M.A. 17380/2024 (Stay)**

MR. MANOJ KUMAR Petitioner

Through: Mr. M. Hasibuddin, Adv.

versus

MR. KHYALI RAM Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **30.05.2024**

CRL.M.A. 17381/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is accordingly disposed of.

CRL.M.C. 4636/2024 & CRL.M.A. 17380/2024 (Stay)

3. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:

“a. Set aside the condition to deposit 20% of the fine amount in order dated 16.04.2024 passed in C.A.No.:142/2024 by the Court of Shri Purshotam Pathak, Ld. ASJ-05, South District, Saket Court, New Delhi in case titled as "Manoj Kumar Versus Khyali Ram" in the interest of Justice.

b. Pass any other or further order(s) as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.”

4. Learned counsel appearing on behalf of the petitioner submits that it is an admitted fact that cheque amount of Rs. 14,50,000/- was already paid



to respondent no.2/complainant at the time of quashing of the FIR registered at the latter's instance with respect to the same transaction. The said FIR was quashed *vide* order dated 05.03.2021 in CRL.M.C. 6346/2019. It is pointed out that the learned Trial Court, while sentencing the present petitioner, had adjusted the aforesaid amount with respect to the fine, however, it had directed the petitioner to pay a further compensation of Rs. 7,50,000/- to respondent no.2. It is further pointed out that while passing the impugned order of directing the petitioner to deposit 20% of the said compensation amount, the learned ASJ has not assigned any reason for passing such direction.

5. On the petitioner taking necessary steps, issue notice to the respondent by all permissible modes, returnable on 09.09.2024.

6. In the meantime, impugned order dated 16.04.2024 passed by learned ASJ shall remain stayed till the next date of hearing.

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

AMIT SHARMA, J

MAY 30, 2024/nk

Click here to check corrigendum, if any