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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 783/2024 & CRL.M.(BAIL) 997/2024**
SUBIR SINGH Petitioner
Through: Mr. Shakir Mahmood, Adv.

versus

PARMINDER SINGH Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **05.06.2024**

CRL.M.A. 18155/2024 (exemption)

1. Allowed, subject to all just exceptions
2. Application stands disposed of.

CRL.REV.P. 783/2024

3. The present petition has been filed seeking the following relief:-

(a) *Set-Aside the impugned judgment of conviction and sentence of order passed by Ld. Appellate Court vide its judgment Impugned judgment dated 02.05.2024 passed by the Court of Ms. Aparna Swami, Additional session judge, Patiala House Courts, New Delhi in Criminal Appeal No. 96/2023 titled Mr. Subir Singh vs Parminder Singh filed against the Judgment dated 28.03.2024 and the Order of Sentence dated 15.04.2023 passed by the court of Ld. Metropolitan Magistrate-03 (Negotiable Instruments Act) in the complaint case No. 2226/2021, titled Parminder Singh vs Subir Singh, consequently acquit the accused.*

4. The learned counsel for the petitioner submits that the petitioner was convicted by the Court of learned Metropolitan Magistrate under Section



138 of NI Act and was sentenced to pay the fine amount of Rs. 4.75 lacs, failing which he has to undergo simple imprisonment for a period of three months.

5. The appeal was preferred against the said order which came to be dismissed *vide* impugned order dated 02.05.2024. The learned counsel submits that the respondent during his cross-examination admitted that the liability of the petitioner is not to the extent of cheque amount, rather it is lesser than the cheque amount.

6. He submits that in view of the decision of the Hon'ble Supreme Court in "***Dashrathbhai Trikambhai Patel vs. Hitesh Mahendrabhai Patel (2023) 1 SCC 578***", the cheque could not have been presented without making an endorsement on the cheque in respect of the reduced liability *apropos* the said cheque.

7. He further submits that the petitioner is also ready to deposit an amount of 20% of the compensation amount in the name of the Registrar General of this Court.

8. In view of the above, issue notice to the respondent, by all permissible modes, returnable on 22.08.2024 before the Roster Bench.

9. Subject to the petitioner depositing 20% of the compensation amount i.e., Rs. 95,000/- in the name of the Registrar General of this Court within a period of 15 days, the impugned order shall remain stayed till the next date.

VIKAS MAHAJAN



JUNE 5, 2024/dss

(VACATION JUDGE)