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

+ **CRL.REV.P. 658/2022**

MUKESH SHUKLA

.....Petitioner

Through: Mr. Satish Kumar, Advocate

versus

JITENDER SINGH & ANR.

.....Respondents

Through: Mr. N.S. Dalal, Mr. Alok Kumar, Ms.
Rachna Dalal, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

28.07.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.(BAIL) 1216/2022 (suspension of sentence)

1. In furtherance of last order I have heard learned counsel for both sides on suspension of sentence. Broadly speaking, the revisionist has assailed appellate order of the Court of Sessions whereby magisterial order of conviction and sentence under Section 138 Negotiable Instruments Act was upheld. The case set up by the present respondent no. 1 (*complainant*) before the trial court was that he advanced cash loan of Rs. 20,00,000/- and towards repayment, the revisionist (*accused*) issued two post-dated cheques of equal amount, which got dishonoured. The defence taken by the revisionist was that the subject cheques got misplaced, regarding which he lodged a police complaint. But in trial, the revisionist could not prove misplacement of those cheques and the alleged police complaint because neither the original stamped copy of the complaint was filed nor the alleged weeding out of the police complaint was proved.



2. Admittedly, the revisionist who was so cautious that he lodged a police complaint alleging misplacement of the cheques, did not write to the bank informing the alleged misplacement and stoppage of payment.

3. The punishment imposed on the revisionist was payment of compensation of Rs. 40,00,000/- to the present respondent no. 1 and in default of the same, the revisionist was to undergo simple imprisonment for six months.

4. Considering the above circumstances, the sentence is suspended subject to the revisionist depositing the entire compensation amount with the Registry of this Court within one week, failing which the revisionist shall surrender before the trial court to face the default sentence.

5. Copy of this order be sent to the learned trial court.

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6. The revision petition is admitted, to be heard at its turn.

GIRISH KATHPALIA, J

JULY 28, 2025/as