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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 856/2024**
RAMESH @ RAMESH KUMAR SHOKEENPetitioner
Through: Mr. Deepak Dahiya, Mr. Mohit
Yadav, Mr. Lalit and Mr. Gautam
Mehlawat, Advocates.

versus

THE STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Digam Singh Dagar, APP.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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16.07.2024

CRL.M.A. 19656/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.REV.P. 856/2024 & CRL.M.(BAIL) 1104/2024

1. Criminal Revision Petition under Section 397 read with Sections 401 & 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner against the judgment dated 24.05.2024 passed by learned ASJ (05), South-West Distt., Dwarka Courts, New Delhi whereby the appeal preferred on behalf of the petitioner challenging conviction by learned MM with reference to proceedings under Section 138 Negotiable Instruments Act, 1881, was dismissed. Also, an application under Section 389 read with Section 482 of Cr.P.C. for suspension of sentence and release on bail during the pendency of the appeal.
2. Petitioner was sentenced vide order dated 06.05.2023 by learned MM to undergo Simple Imprisonment (SI) for one year and fine of Rs. 11,00,000/- for offence punishable under Section 138 NI Act to be paid to the complainant



/ respondent no. 2, (In default of payment of compensation, to undergo SI for a period of six months) with the benefit of Section 428 Cr.P.C.

3. Issue notice. Learned APP for the State appears on advance notice and accepts notice.

4. Respondent No. 2 be served by all permissible modes on necessary steps being taken by learned counsel for the petitioner.

5. Learned counsel for the petitioner submits that the impugned cheque had been issued against a time barred debt and as such the conviction under Section 138 N.I. Act is bad in law. Reliance is further placed upon **Vijay Polymers Pvt. Ltd. & Anr. vs. Vinnay Aggarwal**, 2009 (110) DRJ 592 passed by co-ordinate Bench of this Court.

6. Considering the totality of facts and circumstances, sentence of the petitioner is suspended till the next date of hearing and is admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the learned Trial.

Application is accordingly disposed of.

Trial Court Record be summoned in digital format.

List on 18.09.2024.

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

JULY 16, 2024/R