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

+ CRL.REV.P. 860/2024, CRL.M.A. 19789/2024

SUMIT KATARIA

.....Petitioner

Through: Mr. K. K. Jha, Mr. Avinash Singh,
Adv.

versus

AKASH AHUJA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

09.07.2024

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CRL.M.A. 19790/2024

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CRL.REV.P. 860/2024

The present petition has been filed under Section 397 and 401 read with Section 482 Cr.P.C. against the impugned order dated 12.03.2024 passed by Ld. ASJ-08, West, Tis Hazari Courts, Delhi in Criminal Appeal No. 274/2022 titled as Sumit Kataria vs. Akash Ahuja.

Ld. Additional Session Judge-08, West, Tis Hazari Courts, Delhi in Criminal Appeal No. 274/2022 upheld the judgment dated 19.09.2022 and order on sentence dated 28.09.2023 passed by Ld. MM in complaint case No. 3336/2018 titled as Aakash Ahuja vs. Sumit Kataria.

Ld. MM has sentenced the petitioner for a fine of Rs. 8,75,000/- along with interest at the rate of 9% per annum from the date of filing the



complaint till the date of order. The fine was made payable as compensation and on non-payment of fine, the petitioner shall undergo simple imprisonment for a period of three months.

Petitioner was further directed to undergo simple imprisonment for a period of three months.

Learned counsel for the petitioner submits that the Ld. MM and the Ld. Session Court has fallen into grave error and has recorded the conviction even though the basic ingredients of Section 138 NI Act were not taken in account.

Learned counsel has further submitted that in view of the direction of the Ld. Session Court the petitioner has already deposited a sum of Rs. 5,00,000/- with the Ld. Session Court.

Issue notice to the respondent through all permissible modes, returnable on 26.09.2024.

In the meantime, let the Trial Court records be also called in the digital format.

In the meanwhile, no coercive steps be taken against the petitioner.

Copy of this order be given dasti under the signature of Court Master.

DINESH KUMAR SHARMA, J

JULY 9, 2024/AR..