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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.REV.P. 894/2024**  
**YOGYA DUTT** .....Petitioner

Through: Counsel (appearance not given)

versus

**STATE (GOVT OF NCT) & ANR.** .....Respondents

Through: Mr. Naresh Kumar Chahar, APP for  
the State  
Complainant in person

**CORAM:**  
**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

% **ORDER**  
**13.01.2025**

**CRL.M.(BAIL) 1159/2024**

1. The present application under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (hereafter 'Cr.P.C') has been filed on behalf of the revisionist/applicant praying *inter alia* for suspension of sentence awarded to him, *vide* order on sentence dated 03.07.2023 passed by the learned Metropolitan Magistrate (NI Act)-04, Dwarka Courts, New Delhi, whereby he was sentenced to undergo simple imprisonment for a period of two years with fine of ₹60,00,000/- to be paid to the complainant as compensation within 30 days for offence punishable under Section 138 of Negotiable Instrument Act, 1881 (NI Act), and in default of payment of fine, to undergo further imprisonment for a period of six months. The benefit of Section 428 of the Cr.P.C was extended to the revisionist/applicant.



2. The complainant is present in person and is not assisted by a counsel.
3. The complainant was repeatedly asked by this Court that the matter can be adjourned so that the complainant can be assisted by his counsel and have his advice as to whether his compromise statement be recorded today, however, the complainant insists that he does not want his counsel to be present. It is stated by the complainant that in view of the compromise, arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre (Samadhan), he has no objection, if the petitioner is released and his sentence is suspended. He further states that he has received a sum of Rs.2,50,000/-.
4. The learned counsel for the applicant submits that the applicant has paid a sum of Rs.2,50,000/- to the complainant, and the applicant is in judicial custody since the day his conviction order was upheld by the learned Appellate Court. It is further stated that the applicant is not involved in any other case, and that the sentence imposed on the appellant in the present case may be suspended during the pendency of the petition.
5. Having regard to the aforesaid facts and circumstances of the case and that the applicant has paid a sum of Rs.2,50,000/- to the complainant and that the applicant has his permanent residence in Delhi, the present application is allowed. It is directed that the sentence imposed on the applicant shall remain suspended during the pendency of the present petition, subject to his furnishing a personal bond to the tune of Rs. 50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:



- i) The applicant shall not leave the country without prior permission of the concerned Court.
  - ii) In case of change of residential address/contact details and phone number, the applicant shall promptly inform the same to the concerned Trial Court.
6. Accordingly, the present application stands disposed of.

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7. List on 28.04.2025.
8. The order be uploaded on the website forthwith.

**JANUARY 13, 2025/ns**

**SWARANA KANTA SHARMA, J**

*Click here to check corrigendum, if any*