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

+ CRL.REV.P. 909/2024 and CRL.M.A. 20840/2024

KISHAN VERMA

.....Petitioner

Through: Mr. S.K. Gandhi, Advocate
alongwith petitioner.

versus

NAVEEN CHAUHAN

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **19.07.2024**

CRL.M.A. 20841/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.REV.P. 909/2024 and CRL.M.A. 20840/2024 (for stay)

By way of the present petition filed under section 401 read with section 482 of the Code of Criminal Procedure 1973, the petitioner impugns judgment dated 18.03.2024 passed by the learned ASJ, Rohini Courts, Delhi in CA No. 42/2023, by which the learned ASJ has upheld judgment dated 30.11.2022 but has modified sentencing order dated 27.01.2023 passed by the learned ACMM, Rohini Courts, Delhi; and has reduced the sentence imposed upon the petitioner from simple imprisonment for 02 years to 'till rising of the court' while enhancing the compensation payable from Rs. 14 lacs to Rs. 16 lacs.

2. Learned counsel for the petitioner submits that the petitioner had only taken a sum of Rs. 05 lacs as loan from the respondent; and had repaid Rs. 2.5 lacs from that loan; but the respondent had misused the subject



cheque by filling-up an amount of Rs. 08 lacs and depositing the cheque, which amount was not due, and was therefore not a legally recoverable debt.

3. Counsel further informs the court that in compliance of order dated 25.02.2023 made by the learned ASJ, the petitioner has deposited 15% of the compensation amount, *i.e.* Rs. 2,10,000/- before the learned Trial Court by way of a fixed deposit receipt.
4. Issue notice.
5. Upon the petitioner taking requisite steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
6. Let reply be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
7. Re-notify on 04th November 2024.
8. In view of the above, the sentence imposed upon the petitioner *vide* judgment dated 18.03.2024 passed by the learned ASJ, Rohini Courts, Delhi in CA No. 42/2023 and *vide* sentencing order dated 27.01.2023 passed by the learned ACMM, Rohini Courts, Delhi, shall remain stayed, till the next date of hearing before this court.

ANUP JAIRAM BHAMBHANI, J

JULY 19, 2024

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