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

+ **CRL.REV.P. 1362/2023**

SH. BALDEV SINGH Petitioner

Through: Mr. Siddarth Yadav, Adv.
through V.C.

versus

THE STATE & ANR. Respondents

Through: Mr. Pradeep Gahlot, APP
for the State.
Dr. Meenakshi Kalra, Mr.
S.N. Kalra, Mr. Kamal,
Mr. Amratansh Agarwal,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **08.02.2024**

CRL.M.(BAIL) 1818/2023 (suspension of sentence) in
CRL.REV.P. 1362/2023.

1. The present revision petition is filed under Section 397, 401 read with Section 482 of the Code of Criminal Procedure, 1973 against the judgment dated 17.10.2023 passed by the learned Additional Sessions Judge (hereafter '**Appellate Court**') in Criminal Appeal No. 495/2018 titled as *Baldev Singh v. State & Anr.* The petitioner also challenges the judgment dated 06.09.2018 and order on sentence dated 03.10.2018, passed by the learned Metropolitan Magistrate (hereafter '**Trial Court**').

2. By the judgment dated 17.10.2023, the petitioner's appeal was dismissed by the learned Appellate Court, and his conviction by the learned Trial Court for committing an offence under Section 138 of the Negotiable Instruments Act, 1881 ('**NI Act**')

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was upheld. The petitioner was awarded to undergo sentence of simple imprisonment for one year and to pay a fine of ₹8,50,000/-, as compensation to the complainant.

3. The learned counsel for the petitioner submits that the petitioner has already undergone imprisonment for more than a period of three months out of the total punishment of one year.

4. This Court is of the view that the sentence of the petitioner can be suspended, subject to petitioner depositing 50% of the fine amount.

5. At this stage, the learned counsel for the petitioner submits that he would require four weeks time to arrange the said amount. He submits that a sum of ₹1,70,000/- has already been deposited with the learned Appellate Court and for arranging the balance amount, he would require four weeks' time. He submits that sum of ₹1,00,000/- can be deposited forthwith and rest of the amount the petitioner can arrange, if he is granted conditional bail for such purpose.

6. Considering the aforesaid, the sentence of the petitioner is suspended for the period of four weeks, on the petitioner depositing a sum of ₹1,00,000/- (Rupees One Lakh Only) with the Registry of this Court.

7. The petitioner is directed to be released on interim bail for a period of four weeks on furnishing a bail bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the concerned Jail Superintendent, on the following conditions:

- a. He shall furnish the proof to the Jail Superintendent of deposit of ₹1,00,000/- (Rupees One Lakh Only) with the Registry of this Court;
- b. He shall provide his address where he would be



residing after his release and shall not change the address without informing the concerned Jail Superintendent;

- c. He shall, under no circumstance, leave the country without the permission of the learned Trial Court;
- d. He shall, upon his release, give his mobile number to the concerned SHO of the area where he shall be residing and shall keep his mobile phone switched on at all times.
- e. He shall surrender before the concerned Jail Superintendent on completion of four weeks from the date of his release.

8. List on 07.03.2024.

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9. List on 07.03.2024.

AMIT MAHAJAN, J

FEBRUARY 8, 2024

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