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

+ **CRL.M.C. 3064/2024 & CRL.M.A. 11847/2024,**
CRL.M.A. 11848/2024

JAYANTI PRASAD SHARMAPetitioner
Through: Mr. Surendra, Adv.
(through VC)

versus

BIJENDER SINGHRespondent
Through:

+ **CRL.REV.P. 419/2024 & CRL.M.A. 9495/2024,**
CRL.M.A. 9496/2024

JAYANTI PRASAD SHARMAPetitioner
Through: Mr. Surendra, Adv.
(through VC)

versus

BIJENDER SINGHRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
10.09.2024

1. The petitioner is aggrieved by the judgment dated 18.07.2023, passed by the learned Additional Sessions Judge (ASJ)-04 and Special Judge (NDPS), South-East, Saket Courts, New Delhi in Criminal Appeal No. 196/2023, thereby reducing the fine amount from ₹2,20,000/- to ₹1,10,000/-.
2. The respondent was convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 (**NI Act**) and fine of ₹2,20,000/- was imposed.



3. The learned ASJ, noting that the complainant had also instituted a civil suit for recovery of the cheque amount which was decreed in his favour, reduced the fine amount to 1,10,000/-.
4. It was noted that the respondent, pursuant to the decree passed by the Civil Court, has already made a payment of ₹30,00,000/- against the cheque of ₹25,00,000/-.
5. The learned counsel for the petitioner submits that in every case where the order of conviction is passed, the fine amount should be sufficient to cover not only the cheque amount but also the reasonable interest.
6. He submits that the Hon'ble Apex Court in the case of **R. Vijayan v. Baby : (2012) 1 SCC 260** had held that an interest at the rate of 9% per annum should be fixed in such circumstances.
7. He seeks time to place the authorities in support of his arguments, on record.
8. List on 03.12.2024.
9. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

SEPTEMBER 10, 2024

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