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

+ CRL.REV.P. 471/2018 & CRL.M.(BAIL) 890/2018

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+ CRL.REV.P. 473/2018

JITENDER KUMAR MANJHI

.....Petitioner

Through: Mr. Saurabh Soni, Ms. Mannat Singh
and Mr. Kushagra Sharma, Counsels
for Petitioner

versus

RADHA RAMAN SRIVASTAVA

.....Respondent

Through: Ms. Mrinalini Sen & Ms. Aditi
Saxena, Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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22.10.2024

CRL.M.A. 33372/2018

1. The instant application had been filed for concurrent running of sentences in these matters.
2. Petitioner was convicted in proceedings under Section 138 NI Act in two complaint cases Nos.893182 and 893179. Sentence of SI 1 year with compensation and SI for 6 months in default of payment of compensation was passed in each of these matters.
3. Total amount which is to be paid as compensation is about Rs.40 lakhs. Counsel for petitioner states that compensation has not been paid nor is the petitioner in a condition to pay the same. Thus default sentence of 6 months in each of these complaints would get triggered. The total sentence



would therefore be 1 year 6 months in each of these 2 complaints, totalling to 3 years in total.

4. It was noted in order dated 27th April 2020 that petitioner has already undergone 2 years and 4 months as of that date and sought release in view of Covid-19 pandemic. In view of pandemic situation, counsel for respondent did not oppose the prayer of petitioner, however, Rs.96,000/- which was deposited with the Trial Court was released to the respondent.

5. Subsequently, on 18th August 2022 it was noted by this Court that petitioner had not surrendered even after pandemic was over and report had been sought from the Superintendent, Tihar Jail. The report which was filed, referred to order of this Court dated 28th April 2022 noting that sentence was suspended in both the cases and therefore no date was fixed for surrender for the convict.

6. Counsel for petitioner seeks leave to place on record judgments in support of his plea under Section 427 Cr.P.C.; allowed. Same be filed with copy to the opposite counsel at least a week before the next date of hearing.

7. Counsel for respondent is also at liberty to file judgments in support of his contentions.

8. List on 23rd January 2025.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 22, 2024/sm