

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

DECIDED ON : MARCH 24, 2015

+ CRL.REV.P. 180/2015 & Crl.M.A.Nos.4404-05/2015

K K BHARDWAJ

..... Petitioner

Through : Mr.Surinder Anand, Advocate.

versus

NEELAM NAGPAL & ANR.

..... Respondents

Through : Ms.Kusum Dhalla, APP.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (ORAL)

1. Present revision petition has been preferred to challenge the legality and correctness of orders dated 27.02.2015 and 10.03.2015 of learned Additional Sessions Judge in Crl.A.No.05/2015 whereby the

petitioner was directed to deposit 50% of the penalty amount imposed by the trial court.

2. I have heard the learned counsel for the petitioner and have examined the file. I have also gone through the citation *C.Murugesan vs. Prabakaran & Anr.* I (2012) BC 167 Madras High Court relied upon by the petitioner.

3. Perusal of the file reveals that in the proceedings under Section 138 Negotiable Instruments Act, the petitioner was held guilty and by an order dated 27.01.2015, he was sentenced to pay fine of ₹5,50,000/- out of which ₹5,25,000/- were payable to the complainant as compensation and ₹25,000/- were to be deposited with the State. The said order was challenged in appeal. Order on sentence dated 27.01.2015 was directed to be suspended and the petitioner was admitted on bail on his furnishing personal bond in the sum of ₹20,000/- with one surety in the like amount subject to deposit of ₹25,000/- in the court as fine and 50% of the remaining balance amount in the form of FDR in three equal installments for a period of one year in the name of complainant with a Nationalised bank. Dates 10.03.15, 10.04.15 and 10.05.15 were given to deposit the amount. The petitioner did not comply the said order and moved an application for its modification. Vide order dated 10.03.2015, *Crl.Rev.P.180/2015*

the petitioner's contention was accepted and he was directed to pay ₹25,000/- as fine in the trial court on the same day. Regarding 50% deposit, it was mentioned by the petitioner that it was not possible to get the FDR issued in the name of the complainant as Pan number and ID proof etc. were required by the bank. In view of this, the learned District and Sessions Judge directed the FDR to be made in the name of the trial court. The petitioner was given extension of time and the dates for deposit of the three installments were rescheduled as 25.03.2015, 25.04.2015, and 25.05.2015.

4. I find no illegality or irregularity in the impugned order whereby 50% of the penalty amount was directed to be deposited in the name of the court till the disposal of the appeal to protect the interest of the complainant. The petitioner was given reasonable opportunity to deposit the said amount. The petitioner though availed the benefit of suspension of sentence failed to comply with the terms and conditions of the order. On 10.03.2015, the petitioner sought modification and rescheduling of the deposit. He did not challenge the earlier order dated 27.02.2015. Apparently, he was not aggrieved by the previous order dated 27.02.2015 whereby he was directed to deposit 50% of the remaining penalty amount.

5. The revision petition lacks merits and is dismissed in limini.
All pending applications also stand disposed of. Copy of the order be sent to Trial Court for information.

(S.P.GARG)
JUDGE

MARCH 24, 2015
sa