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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 203/2015, CRL.M.(BAIL)3237/2015 & CRL.M.A. 4959-4960/2015**

YOGESH KUMAR SANSANWAL

..... Petitioner

versus

THE STATE AND ANOTHER

..... Respondents

+ **CRL.REV.P. 205/2015, CRL.M.(BAIL)3238/2015 & CRL.M.A. 4967-4968/2015**

YOGESH KUMAR SANSANWAL

..... Petitioner

versus

STATE & ANR

..... Respondents

Through: Mr Manoj Lohia and Mr Deepak
Mahajan, Advocates for petitioner.
Ms Isha Khanna, APP.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

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ORDER
08.04.2015

The above revision petitions assail the order dated 25.03.2015 passed by the Sessions Court, New Delhi District, in Criminal Appeal No.8/2015 and Criminal Appeal No.7/2015 respectively. Since the revision petitions raise similar issues of facts and law, they are being disposed of by this common order.

In both these revision petitions the brief facts are that the complainants filed complaints under Section 138 of the Negotiable Instruments Act before the Trial Court with the allegations that they had extended a loan of Rs.1,00,000/- each to the petitioner herein who agreed to repay the loan within a month

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thereafter. Subsequently, the petitioner approached the complainants and handed over cheques drawn on ICICI Bank dated 18.04.2011 for Rs.1,00,000/- each towards discharge of the petitioner's liability. The said cheques were dishonoured upon presentation by the complainants with the remarks that the account had been blocked. Despite legal notice, the amounts were not repaid resulting in the complainants filing the complaints under Section 138 of the Negotiable Instruments Act.

After hearing parties the Trial Court convicted the petitioner and sentenced him to simple imprisonment for two months and to pay compensation of Rs.1,60,000/- each within a period of 30 days from the date of the order dated 24.12.2014 to the complainants. In default of payment the petitioner was further directed to undergo imprisonment for 60 days.

Against the said orders dated 24.12.2014 the petitioner preferred appeals before the District Court which came to be dismissed by order dated 25.03.2015 upholding the order of sentence and conviction. Aggrieved by the said orders dated 24.12.2014 and 25.03.2015 the petitioner has preferred the present revision petitions.

Counsel for the petitioner states that now the parties have arrived at an amicable settlement. Broadly the terms of the said settlement are that the petitioner shall pay a sum of Rs.1,60,000/- each to the complainants. The said sum of Rs.1,60,000/- each had been paid to the complainants, namely, Kuldeep Tokas and Rakesh Sharma, who are present in court and acknowledge receipt thereof. Both the complainants have been identified by their advocate and have also produced their Adhaar Cards.

In sum and substance, the only question that remains now is with regard to the two months imprisonment that the petitioner has been sentenced to undergo. Counsel for the petitioner urges that the petitioner was taken into custody on 25.03.2015 and has been incarcerated since then. Counsel urges that he has instructions not to challenge the conviction of the petitioner but to seek

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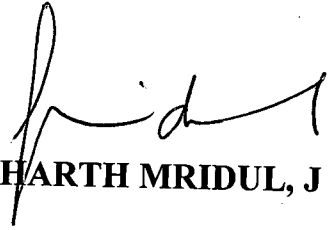
limitation of the sentence imposed upon him to the period already undergone.

In view of the above, whilst upholding the sentence imposed by the Trial Court and upheld by the Appellate Court against the petitioner, the sentence imposed upon him is reduced to the period already undergone by him. He shall be released forthwith if not wanted in any other case.

With the above directions the petitions are disposed of.

A copy of this order be given *dasti* under signature of Court Master to counsel for the parties.

APRIL 08, 2015
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SIDDHARTH MRIDUL, J