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

+ **CRL.M.C. 3868/2016**

KAMINI SINGH

..... Petitioner

Represented by: Mr. O. N. Sharma, Advocate.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Represented by: Ms. Meenakshi Chauhan, APP
for the State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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19.10.2016

Crl. M.A. No. 16236/2016 (Exemption)

Allowed, subject to all just exceptions.

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1. Aggrieved by the order dated 4th October, 2016 issuing non-bailable warrants against the petitioner, the petitioner prefers the present petition.
2. The petitioner was convicted by the learned Trial Court for offence punishable under Section 138 of Negotiable Instruments Act, 1881 (in short 'NI Act') on three complaints filed by the respondent No.2 vide judgment dated 16th February, 2016. Vide the order on sentence dated 25th February, 2016 she was directed to undergo simple imprisonment for a period of six months and to pay a compensation to the tune of cheque amount and in default of payment of compensation to further undergo simple imprisonment for one month.

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3. The petitioner preferred appeals against the judgment of conviction and order on sentence wherein the matter was settled and she undertook to pay a sum of ₹6 lakhs to the respondent No.2 in three instalments of ₹2 lakhs each payable by 25th July, 2016, 25th August, 2016 and 25th September, 2016. Since the petitioner could not pay the amount she sought further time for payment. In the meantime, the respondent No.2 filed an application under Section 12 of the Contempt of Courts Act before the learned Additional Sessions Judge where notice was issued to the petitioner returnable for 4th October, 2016 directing her to appear in person. The petitioner failed to appear before the learned Additional Sessions Judge on 4th October, 2016 hence non-bailable warrants were issued.
4. Considering the fact that in the appeals, to avoid imprisonment the petitioner first settled the matter with the respondent No.2 and thereafter failed to abide by the terms of settlement which defaults were further compounded by not appearing before the learned Additional Sessions Judge as directed on 4th October, 2016 it cannot be held that the learned Additional Sessions Judge committed any error in issuing non-bailable warrants against the petitioner which are required to be set aside by this Court.
5. Consequently, the present petition is dismissed.

MUKTA GUPTA, J.

OCTOBER 19, 2016
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