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

DECIDED ON : 8th JANUARY, 2016

+ **CRL.REV.P. 511/2015**

KRISHAN GOPAL

..... Petitioner

Through : Mr.Biswajit K.Patra, Advocate
with Mr.Dhan Mohan, Advocate.
Brother of the petitioner is also
present.

versus

MAHESH KUMAR & ANR.

..... Respondents

Through : Mr.Ashok K.Garg, APP.

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

S.P.Garg, J. (Oral)

CRL.M.A.No.11815/2015 (Delay)

1. For the reasons mentioned in the application for condonation of delay in filing the petition, the delay is condoned.
2. The application for condonation of delay is disposed of.

CRL.REV.P. 511/2015

1. Present revision petition has been filed by the petitioner to challenge the legality and correctness of a judgment dated 26.11.2014 of learned Addl. Sessions Judge in CrI.A. 06/2014 whereby conviction /

sentence recorded by the learned Metropolitan Magistrate vide order dated 28.04.2014 in CC No.211/1/10 under Section 138 Negotiable Instruments Act was upheld. Notice was issued to the respondent No.1. He did not appear despite service.

2. The petitioner was convicted under Section 138 Negotiable Instruments Act and sentenced to undergo SI for eight months with compensation amount of ₹2.5 lacs and in default to undergo SI for six months.

3. During the course of arguments, learned counsel for the petitioner, on instructions, stated that the petitioner has opted not to challenge the findings of the Courts below on conviction. He prayed to take lenient view as the petitioner has already undergone the substantive sentence awarded to him and is presently undergoing the default sentence.

4. Nominal Roll dated 15.12.2015 reveals that the petitioner has already undergone seven months incarceration besides remission for ten days as on 14.12.2015. Unexpired portion was only twenty days which has since been served / completed. At present, the petitioner is undergoing default sentence for non-payment of compensation amount of ₹2.5 lacs. Considering the facts and circumstances of the case and the financial difficulties of the petitioner to pay the compensation amount, the default

sentence for non-payment of compensation amount ₹2.5 lacs is reduced to SI for three months. Other terms and conditions of the Sentence Order are left undisturbed.

5. Revision petition stands disposed of in the above terms. Trial Court record be sent back forthwith with the copy of the order. A copy of the order be sent to the Superintendent Jail for information.

(S.P.GARG)
JUDGE

JANUARY 08, 2016 / tr