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

+ CRL.A. 608/2002

PRAKASH GAUTAM Appellant

Through Mr.Abdul Sattar, Adv.

versus

M/S ESCORTS FINANCE LTD. Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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18.01.2017

Perusal of record shows that vide order dated 12.08.2002, sentence awarded to the appellant was suspended. Thereafter, notice of the appeal was issued to both the sides. Notice issued to the respondent received with the report that the respondent had shifted the premises.

Counsel for the appellant wishes to argue the matter. However, during the course of arguments, he has made the submission on the quantum of sentence only.

Sentence in the present matter has been awarded by the Court of Session. The judgment of conviction was passed on 03.07.2002 convicting the appellant guilty for the offence punishable under Section 138 of the Negotiable Instruments Act. Vide order on sentence dated 04.07.2002, the appellant was awarded sentence to undergo imprisonment for six months and a fine of Rs.36,000/-. In

default of payment of fine, the appellant has been ordered to further undergo simple imprisonment for six months.

It has been submitted by the counsel for the appellant that the complaint in the present matter was filed in the year 1999 and since then the appellant is facing the proceedings. The appellant has already deposited the amount of fine on 05.07.2002.

It is also apparent from the record that as per the report received from the Record Room (Session), the lower court record has already been weeded out.

In the facts and circumstances mentioned above, the sentence of imprisonment awarded to the appellant is modified to the extent that he is directed to pay the enhanced fine of Rs.50,000/-.

On the request of the counsel for the appellant, the appellant is given 15 days time to deposit the remaining amount of fine before the Id. District & Sessions Judge (New Delhi District), Patiala House Courts, New Delhi.

Dasti.

P.S.TEJI, J

JANUARY 18, 2017
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