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

+ **CRL.M.C. 1267/2017**

MS PRIYANKA NAGPAL

..... Petitioner

Represented by: Mr. Mr. Amrender Kumar
Choubey, Mr. Y. Lokesh,
Advts.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Represented by: Ms. Rajni Gupta, APP.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

27.03.2017

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CrI.M.A. 5187/2017

Exemption allowed subject to just exceptions.

CRL.M.C. 1267/2017 & CrI.M.A. 5186/2017 (stay)

The petitioner was convicted by the learned Metropolitan Magistrate vide judgment dated 27th August, 2014 for offence punishable under Section 138 of the Negotiable Instruments Act and vide order on sentence dated 1st September, 2014 directed to undergo simple imprisonment for two months, to pay a fine of ₹10,000/-, a compensation of ₹6 lakhs within one month and on failure thereof to further undergo simple imprisonment for a period of three months. An appeal preferred against judgment of conviction and order on sentence was dismissed by the learned Additional Sessions Judge vide order dated 29th April, 2015.

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Aggrieved by the two orders the petitioner preferred a revision petition before this Court being CRL.REV.P. No.284/2015. On 14th May, 2015 this Court stayed the operation of the impugned orders dated 27th August, 2014 and 1st September, 2014 in complaint case No.429/2013 and order dated 29th April, 2015 in Crl.(A) No.30/2014 granting the petitioner six months time to pay compensation to the complainant. In the said revision petition repeated extension of time was given to the petitioner to deposit the compensation amount. However on 28th January, 2016 the interim stay order was not extended. On 7th April, 2016 this Court vacated the interim order granting stay of the operation of the impugned orders in the revision petition. The revision petition was finally withdrawn on 28th April, 2016. The petitioner filed applications for restoration and exemption from surrender in CRL.REV.P. No.284/2015 which were also dismissed on 9th May, 2016. Now the present petition under Section 482 Cr.P.C.

As noted above, the petitioner has already availed the remedy of a revision petition before this Court and having not succeeded therein, the petitioner cannot now in the garb of a petition under Section 482 Cr.P.C. seek re-hearing of the pleas taken in the revision petition.

Petition and application are dismissed.

MUKTA GUPTA, J.

MARCH 27, 2017
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