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

+ CRL.A. 817-831/2016, 833/2016 & 936/2016

M/S APOLLO TYRES LTD

..... Appellant

Through: Mr. Avinash Lakhanpal, Advocate
along with Mr. Sanjay Jain, AR of the
appellant.

versus

M/S INDIRA TYRES & ORS

..... Respondents

Through: Mr. Shahid Azad, Ms. Menu Sharma
& Md. Aslam, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

07.03.2017

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The convicts are present with their counsel.

I have heard learned counsel for the appellant as well as the learned
counsel for the convicts on the aspect of sentence.

The submission of learned counsel for the appellant is that the
cheques in question were issued in the year 1999-2000 and the complaints
were preferred on 22.06.2000. Since then, nearly 16 ½ years have elapsed.
He submits that under the Negotiable Instruments Act, the rate of interest
payable in respect of a liability is 18% per annum. He submits that the
appellant has had to pursue the criminal complaint before the Trial Court,
and thereafter the present appeal for the last 16 ½ years, and in these
circumstances, the convicts should be given the maximum sentence apart

from being subjected to fine, which is twice the amount of the cheques.

On the other hand, learned counsel for the convicts submits that respondent No.2/ Kuldeep Singh and respondent No.4/ I.S. Bedi are both senior citizens. He states that respondent No.4 is a cancer patient. He further points out that the principal liability, after granting adjustment of Rs.1.35 Lakhs covered by 12 cheques out of 61 cheques in question, comes to Rs.12,47,814/-.

Having heard learned counsel, considering the fact that the cheques were issued in the year 1999-2000 and the fact that the principal liability is to the tune of Rs.12.47 Lakhs in respect of the dishonoured cheques, and also considering the fact that respondents No. 2 & 4 are senior citizens, the respondents are subjected to a collective fine of Rs.24,97,000/-. The said fine shall be deposited within six weeks. Out of the said fine, an amount of Rs.24,50,000/- shall be disbursed to the appellant towards compensation. However, in case of failure on the part of the convicts to deposit the said amount as aforesaid, in default of payment of the said fine, respondent No.2/ Kuldeep Singh shall undergo a sentence of Simple Imprisonment for a period of one month; respondent No.3/ Paramjeet Singh shall undergo a sentence of Simple Imprisonment for a period of one year; and respondent No.4/ I.S. Bedi shall undergo Simple Imprisonment for a period of fifteen days.

The appeals stand disposed of. Dasti.


VIPIN SANGHI, J

MARCH 07, 2017
B.S. Rohella