

\$~24

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

+ CRL.REV.P. 827/2018 & CrI.M.A. 32781/2018

ARUN KUMAR Petitioner

Through: Mr. Shekhar N., Advocate

Versus

PAVITRA DEVI Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

25.03.2019

While entertaining petitioner's appeal against conviction under Section 138 of *The Negotiable Instruments Act, 1881*, trial court vide impugned order of 10th September, 2018 had directed petitioner to furnish '*Fixed Deposit Receipt*' of the sum equal to the compensation amount. While entertaining this petition, vide order of 24th September, 2018, petitioner was directed to submit '*Fixed Deposit Receipt*' of ₹4,00,000/- with the trial court and for the remaining amount, petitioner was called upon to submit property documents to the satisfaction of the trial court.

Petitioner's counsel submits that interim order of 24th September, 2018 has been complied with to the effect that '*Fixed Deposit Receipt*' of ₹4,00,000/- has been deposited but the trial court has not accepted the property documents furnished by petitioner's sister-in-law in lieu of remaining compensation amount of ₹4,00,000/- as the said property documents are in the name of petitioner's sister-in-law (*bhabhi*) and the

trial court is insisting that the title documents of property, which is in the name of petitioner, be furnished.

On the last date of hearing, respondent was duly represented by counsel. However, today none appears on behalf of respondent even on the second call.

Upon hearing and on perusal of impugned order of 10th September, 2018, it is directed that petitioner's appeal be heard by the Appellate Court subject to appellant depositing '*Fixed Deposit Receipt*' of ₹4,00,000/- (*if not already done*) and upon furnishing title documents of property which is in the name of his sister-in-law (*bhabhi*), provided petitioner's sister-in-law comes forward to stand as surety for the remaining compensation amount of ₹4,00,000/-, within two weeks.

This petition and application are accordingly disposed of while modifying impugned order in the aforesaid terms.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 25, 2019

r