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

+ **CRL.REV.P. 206/2020**

**SURESH JAIN**

..... Petitioner

Through: Mr. Joydeep Mazumdar, Mr.  
Debojyoti Bhattacharya, Mr. Rohit  
Dutta & Ms. Shubhangi Sangal,  
Advocates

Versus

**STATE OF NCT & ANR.**

..... Respondents

Through: Mr. Tarang Srivastava, Additional  
Public Prosecutor for respondent  
No.1/State  
Mr. Mayank Maini & Mr.B.K.  
Wadhwa, Advocates for  
respondent No.2

**CORAM:**

**HON'BLE MR. JUSTICE BRIJESH SETHI**

**ORDER**

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**05.03.2020**

**Crl.M.A. 4941/2020**

Allowed subject to all just exceptions.

**CRL.REV.P. 206/2020 & Crl.M.A. 4942/2020 (stay)**

Vide this petition, petitioner is seeking setting aside of impugned judgment and order dated 1<sup>st</sup> February, 2020 and 4<sup>th</sup> February, 2020 passed by the learned Metropolitan Magistrate in complaint under Section 138 of Negotiable Instruments Act, 1881.

Notice.

Mr. Tarang Srivastava, learned Additional Public Prosecutor for respondent No.1/State and Mr. Mayank Maini, Advocate for respondent No.2, accept notice.

At the outset, learned Additional Public Prosecutor for State submits that a criminal appeal lies against the order of conviction passed by learned Metropolitan Magistrate in a complaint under Section 138 of Negotiable Instruments Act, 1881, and, therefore, the instant revision petition is not maintainable.

It is also brought to the notice of this court by learned counsel for second respondent that the subject matter of this complaint, so far as deposit of amount of compensation is concerned, is pending before the Hon'ble Supreme Court and its outcome is awaited.

Learned petitioner's counsel submits that petitioner is a senior citizen and in terms of Hon'ble Supreme Court's order of 23<sup>rd</sup> January, 2020, a sum of Rs.8.5 lacs stands deposited with the Registrar General of this Court and that petitioner is ready to settle the matter i.e. he is prepared to pay all the compensation amount of Rs. 8.5 Lakhs deposited with Registrar General High Court of Delhi to the complainant/second respondent.

Learned counsel for second respondent on instructions submits that second respondent is prepared to accept the said amount as full and final settlement of his dispute with the petitioner.

Learned counsel for petitioner, however, submits that petitioner's sentence has been suspended till today i.e. 5<sup>th</sup> March, 2020 and prays for interim suspension of sentence. He states that he has inadvertently filed

a revision petition whereas he should have filed an appeal. He states that appeal will be filed within a period of two weeks before the learned court of Sessions.

Heard.

In view of the fact that the parties are willing and have settled the dispute, let the petitioner be not arrested in this case subject to his furnishing bail bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the learned trial court till the filing of the appeal i.e. within two weeks from today. The learned Appellate Court will pass the appropriate order of suspension of sentence after going through the record and after hearing the parties and without being influenced by the order passed by this Court.

The petition and applications stand disposed of accordingly.

*Dasti.*

**BRIJESH SETHI, J**

**MARCH 05, 2020**

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