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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1295/2020 & CRL.M.A. 4998-4999/2020**
MRS. ABANTI BISWAL Petitioner
Through: Mr. Pratap Sahani, Adv.

versus

EICHER MOTORS LIMITED Respondent
Through: Ms. Gunjan S. Jain, Adv.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **06.03.2020**

CRL.M.A. 4999/2020 (Exemption)

Exemption allowed, subject to just exceptions.

CRL.M.C. 1295/2020 & CRL.M.A. 4998/2020

The petitioner vide the present petition assails the impugned order dated 22.02.2020 of the learned ASJ-04 in CA No.287/2019, vide which non bailable warrants were directed to be issued against the petitioner for having not complied with directions dated 06.12.2019 apart from the matter having been listed for hearing of the appeal on the date 25.03.2020.

Vide order dated 06.12.2019, the Appellate Court in relation to the appeal that had been filed by the petitioner herein against an order dated 18.10.2019 of the learned trial Court in CC No.2114/2017, vide which order dated 31.10.2019 of the learned MM pursuant to the judgment dated 18.10.2019 vide which the petitioner herein was convicted for the offence punishable under Section 138 of the

Negotiable Instruments Act, 1881, *inter alia* apart from assessing the compensation in the matter to be Rs.35 lakhs including Rs.2 lakh as costs of the proceedings to the complainant, considered to release the petitioner herein on probation of good conduct on her entering into a bond for an amount of Rs.50,000/- with one surety in the like amount to appear and receive sentence during the period of one year and in the meantime to keep peace and be of good behaviour with having directed the petitioner to pay the compensation amount of Rs.35 lakhs including Rs.2 lakhs as costs of the proceedings to the complainant in terms of Section 5 of the Probation of Offenders Act, 1958 and further directed to the effect that the said amount of compensation was directed to be paid to the complainant within one month from the date of the order i.e. 31.10.2019.

Vide order dated 06.12.2019, the learned Appellate Court whilst deciding the appeal had stayed the operation of the impugned judgment and order on sentence subject to the appellant/convict depositing 20% of the compensation amount inclusive of the litigation charges within a week, which order is indicated to have been repeatedly flouted.

It has however now been submitted on behalf of the petitioner that the petitioner is now in a capacity to make the payment of the compensation amount to the extent as imposed vide the impugned order on sentence and also allowed to be so deposited in terms of order dated 06.12.2019. It is also submitted on behalf of the petitioner that the demand drafts bearing nos.704591 dated 15.02.2020 for a sum of Rs.2 lakhs, No.704592 dated 15.02.2020 for a sum of Rs.2

lakhs and No.370273 dated 25.02.2020 for a sum of Rs.3 lakhs have been prepared and shall be submitted before the learned trial Court on 07.03.2020.

In the circumstances, the said demand drafts are directed to be placed before the learned trial Court by the petitioner without default on 07.03.2020 and on deposit of the same, the same are directed to be released by the learned trial Court in CC No.2114/2017 to the complainant of the said case i.e. the respondent herein forthwith.

The petitioner herein is further directed to appear before the Appellate Court on 25.03.2020 for the hearing of the appeal.

The non-bailable warrants issued against the petitioner are revoked.

The petition calls for no further action.

Copy of the order be given Dasti under the signatures of the Court Master, as prayed.

ANU MALHOTRA, J

MARCH 06, 2020

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