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

+ **CRL.REV.P. 242/2020 & CRL.M.A. 6432/2020**

RAJJAK KHAN

..... Petitioner

Through: Mr. Shivendra Singh, Advocate.
versus

RAJENDRA PAL & ANR.

.....Respondents

Through: Mr. Rajiv Ranjan, Advocate for R-1.
Mr. G.M. Farooqui, APP for R-2/State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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01.09.2020

The hearing was conducted through video conferencing.

CRL.M.A. 6433/2020 & CRL.M.A. 6434/2020 (Exemption)

1. The aforesaid applications have already been disposed-off by order dated 08.07.2020.

CRL.REV.P. 242/2020 & CRL.M.A. 6432/2020 (Stay)

2. At joint request of the parties, the petition is taken up for disposal.
3. It is the petitioner's case that there is an evident error in the impugned order dated 22.2.2020 passed by the Learned ASJ in Criminal Appeal No.230 of 2019, directing the petitioner to deposit 20% of Rs. 61,600/-, which has been computed as the compensation payable to respondent no.1. The petitioner, contends that this computation could at best be twice the cumulative amount because the two cheques which were taken into consideration were for an amount of Rs. 10,000/- and Rs.30,000/- in figures. However, the latter cheque described the

amount, in words, as ‘thirteen thousand’ and not ‘thirty thousand’. Therefore, under section 18 of the Negotiable Instruments Act, 1881 (NI Act), the amount stated in words shall be the amount undertaken or ordered to be paid. The said section reads as under:-

“18. Where amount is stated differently in figures and words.- If the amount undertaken or ordered to be paid is stated differently in figures and in words, the amount stated in words shall be the amount undertaken or ordered to be paid.”

4. In view of the above, the total amount purportedly undertaken to be paid in the two cheques was Rs.10,000/- and Rs.13,000/-= Rs.23,000/- , thus the compensation amount would be Rs.46,000/- ($23,000 \times 2$) and its 20% would be Rs. 9,200/-. Let Rs. 9,200/- be deposited instead of Rs.15,000/-. The impugned order is modified to this extent.
5. The parties shall appear before the appellate court on the date fixed.
6. The petition, alongwith pending application, is disposed-off in terms of the above.
7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

NAJMI WAZIRI, J

SEPTEMBER 01, 2020

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