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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23.01.2024

+ CRL.REV.P. 105/2024
RAJEEV SHARMA

..... Petitioner

Through: Mr.Abhishek Raj Sharma, Mr.Ajay
Sharma, Ms.Radhika Sharma and
Mr.J.K.Nayyar, Advocates with
petitioner in person.

versus

PALLAVI ADVERTISING

..... Respondent

Through: Mr.Navjot Kumar and Mr.Karan
Khanna, Advocates.+ CRL.REV.P. 106/2024
RAJEEV SHARMA

..... Petitioner

Through: Mr.Abhishek Raj Sharma, Mr.Ajay
Sharma, Ms.Radhika Sharma and
Mr.J.K.Nayyar, Advocates with
petitioner in person.

versus

PALLAVI ADVERTISING

..... Respondent

Through: Mr.Navjot Kumar and Mr.Karan
Khanna, Advocates.+ CRL.REV.P. 107/2024
RAJEEV SHARMA

..... Petitioner

Through: Mr.Abhishek Raj Sharma, Mr.Ajay
Sharma, Ms.Radhika Sharma and
Mr.J.K.Nayyar, Advocates with
petitioner in person.

versus

PALLAVI ADVERTISING

..... Respondent

Through: Mr.Navjot Kumar and Mr.Karan
Khanna, Advocates.+ CRL.REV.P. 108/2024
RAJEEV SHARMA

..... Petitioner



Through: Mr.Abhishek Raj Sharma, Mr.Ajay Sharma, Ms.Radhika Sharma and Mr.J.K.Nayyar, Advocates with petitioner in person.

versus

PALLAVI ADVERTISING

..... Respondent

Through: Mr.Navjot Kumar and Mr.Karan Khanna, Advocates.

+ CRL.REV.P. 109/2024
RAJEEV SHARMA

..... Petitioner

Through: Mr.Abhishek Raj Sharma, Mr.Ajay Sharma, Ms.Radhika Sharma and Mr.J.K.Nayyar, Advocates with petitioner in person.

versus

PALLAVI ADVERTISING

..... Respondent

Through: Mr.Navjot Kumar and Mr.Karan Khanna, Advocates.

+ CRL.REV.P. 110/2024
RAJEEV SHARMA

..... Petitioner

Through: Mr.Abhishek Raj Sharma, Mr.Ajay Sharma, Ms.Radhika Sharma and Mr.J.K.Nayyar, Advocates with petitioner in person.

versus

PALLAVI ADVERTISING

..... Respondent

Through: Mr.Navjot Kumar and Mr.Karan Khanna, Advocates.

+ CRL.REV.P. 111/2024
RAJEEV SHARMA

..... Petitioner

Through: Mr.Abhishek Raj Sharma, Mr.Ajay Sharma, Ms.Radhika Sharma and Mr.J.K.Nayyar, Advocates with petitioner in person.

versus

PALLAVI ADVERTISING

..... Respondent



Through: Mr.Navjot Kumar and Mr.Karan Khanna, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 2188/2024 in CRL.REV.P. 105/2024

CRL.M.A. 2190/2024 in CRL.REV.P. 106/2024

CRL.M.A. 2222/2024 in CRL.REV.P. 107/2024

CRL.M.A. 2225/2024 in CRL.REV.P. 108/2024

CRL.M.A. 2228/2024 in CRL.REV.P. 109/2024

CRL.M.A. 2231/2024 in CRL.REV.P. 110/2024

CRL.M.A. 2234/2024 in CRL.REV.P. 111/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.REV.P. 105/2024 & CRL.M.A. 2187/2024

CRL.REV.P. 106/2024 & CRL.M.A. 2189/2024

CRL.REV.P. 107/2024 & CRL.M.A. 2221/2024

CRL.REV.P. 108/2024 & CRL.M.A. 2224/2024

CRL.REV.P. 109/2024 & CRL.M.A. 2227/2024

CRL.REV.P. 110/2024 & CRL.M.A. 2230/2024

CRL.REV.P. 111/2024 & CRL.M.A. 2233/2024

1. Separate revision petitions under Section 397 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the petitioner against the impugned orders passed by learned Additional Sessions Judge, West District, Tis Hazari Courts, Delhi in C.A. Nos. 245/2023, 246/2023, 247/2023, 249/2023, 250/2023, 251/2023 and 252/2023, whereby learned ASJ declined to suspend the sentence during the pendency of the appeals by waiving of the condition of deposit of 20% of compensation imposed by



learned ASJ in separate criminal appeals.

2. Issue notice. Learned counsel for the respondent appears on advance notice and accepts notice.
3. Learned counsel for the petitioner submits that an exception can be made for the reasons to be recorded and deposit of 20% of compensation is not mandatory in each and every case. Reliance is further placed upon ***Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. & Ors.***, SLP (Crl.) No.(S) 6336/2023 decided on 04.09.2023. It is also urged that learned Additional Sessions Judge failed to appreciate that an amount of Rs.88.50 lakhs already stood paid to the complainant by way of cheque, cash and transferring of the property, though the same has been vehemently disputed by the learned counsel for the respondent.
5. During the course of submissions, it is agreed by both the learned counsel for the petitioner as well as respondent that condition for 20% of deposit as imposed by learned Additional Sessions Judge for suspension of sentence may be waived of subject to the appeals being disposed of in a time bound manner.
6. In the aforesaid context, it may also be appropriate to notice the observations made in ***R. Kalai Selvi v. Bheemappa, Crl. A. No.747/2021***, decided on 04.08.2021. The Hon'ble Apex Court therein held that deposit of fine amount for proceedings under Section 138 NI Act could not have been made as a condition precedent for hearing the revision petition.
7. Considering the facts and circumstances of the case, condition for deposit of twenty percent of fine/compensation amount as directed by learned ASJ in aforesaid appeals is waived and sentence of the appellant is directed to be suspended without insisting of deposit of the aforesaid amount.



Learned Appellate Court is further directed to hear the appeals in a time bound manner and date of hearing is fixed on 15.02.2024. Further, the appeals be decided within a period of four weeks from 15.02.2024.

Learned counsel for the petitioner and respondent undertake not to seek any adjournment on the dates fixed by the learned Appellate Court.

Petitions are accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be kept in all the petitions.

A copy of this order be forwarded to the learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 23, 2024/v