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

+ **CRL.REV.P. 184/2024 & CRL.M.A. 4081/2024 (Stay)**

SANJAY GOEL

..... Petitioner

Through: Mr. Harshit Jain, Mr. Shubham Singh
& Mr. Shoaib Ansari, Advocates.

versus

SONU SHARMA & ANR.

..... Respondents

Through: Mr. Sunil Sehrawat, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.03.2024

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1. The present petition under Section 397 read with Sections 401/482 of the Cr.P.C. seeks the following prayers:

“(i) Call for the records of the Criminal Appeal no.269/2023 filed U/s 374(3) of the Code of Criminal Procedure titled as “Sanjay Goel Versus Sonu Sharma” of Court below and examine the legality of the order passed by the Appellate Court below dated 09.12.2023;

(ii) Allow the present petition & set aside the impugned order dated 09.12.2023 passed by the court of Sh. Rajinder Kumar, ASJ, North West District, Rohini Courts Delhi in Criminal Appeal no.269/2023 filed U/s 374(3) of the Code of Criminal Procedure titled as “Sanjay Goel Versus Sonu Sharma” to the extent of imposing the condition for depositing 20% of the awarded compensation by the Ld. Trial Court, thereby suspending the sentence of the appellant/petitioner without imposing any condition in the present case in the given facts & circumstances of the present case in the interest of justice;

(iii) Pass any other or further orders which this Hon'ble Court may deem fit and proper in favour of the Petitioners.”

2. Learned counsel appearing on behalf of the petitioner submits that



while passing the impugned order dated 09.12.2023, the learned Appellate Court did not consider the “exceptional circumstance” pleaded before the said Court for not depositing 20% per cent of the compensation amount.

3. Reliance has been placed upon a judgment of Hon’ble Supreme Court in **Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. & Ors., (2023) 10 SCC 446.**

4. *Per Contra*, learned Counsel for the respondents submits that the present petition is merely an attempt by the petitioner herein to delay the proceedings. It is submitted that it is only in exceptional circumstances where the Court may not require the appellant to deposit 20% of the compensation amount.

5. Be that as it may, learned counsel for the parties submit that the matter may be remanded back to the learned Appellate Court to revisit the decision with regard to depositing 20% of the compensation amount awarded, after taking on account the rival contentions of the both the parties.

6. In view of the above, the impugned order dated 09.12.2023 is set aside and the parties are remanded back to the learned Appellate Court. It is directed that the learned Appellate Court shall decide the issue of depositing 20% of the compensation, afresh, after duly considering the contentions of the parties, in accordance with law.

7. It is directed that the party shall appear before the learned Appellate Court on 07.03.2024 at 02:30 PM. The learned Appellate Court is requested to fix a date as per the convenience of the both the parties with respect to the aforesaid issue and no adjournment shall be given to either of the parties with regard to the same.

8. With the aforesaid direction, the petition stands disposed of.



9. Order be communicated to learned Appellate Court for necessary information and compliance.
10. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MARCH 1, 2024/bsr