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

+ **CRL.A. 631/2003**

R.K.GOEL

..... Appellant

Through: **Mr. Bharat Gupta, Advocate.**
versus

ASHA GUPTA

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

21.03.2024

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1. The appeal filed under Section 374 of the Code of Criminal Procedure challenges the judgment and order on sentence dated 21.08.2003 passed by learned Additional Sessions Judge, Delhi whereby the present appellant was convicted for offences punishable under Sections 138/147 of Negotiable Instruments Act and was sentenced to undergo simple imprisonment for one year and a payment of fine of Rs.28,500/-.
2. Learned counsel appearing on behalf of the appellant submits that the latter does not wish to press the appeal with respect to the judgment of conviction and submits that the order of sentence may be modified to the extent of payment of fine.
3. It is pointed out that the amount of fine Rs.28,500/- was paid by the appellant before the learned Trial Court on 25th September, 2003 which is reflected in the Trial Court Record.
4. It is further submitted that in a civil suit filed by the respondent, the appellant in pursuance of the execution has paid Rs.4,05,000/-.



5. It is further stated that the aforesaid fine amount has since been released to the respondent.
6. In view of the above the order of sentence dated 21.08.2003 is modified to the extent that the simple imprisonment of 1 year is set aside and the appellant's sentence for payment of fine Rs.28,500/- is maintained.
7. The appeal is partly allowed with the cost and terms.
8. Bail bonds if any, be discharged.

AMIT SHARMA, J

MARCH 21, 2024/K