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

+ CRL.M.C. 2016/2024

LALIT MOHAN MADHAN

..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with
Mr. Bhaskar Mishra, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
Mr.Narender Vashisht, Mr.Raju D. and Mr.D.S.
Bhadwaj, Advocates for respondent No.2

+ CRL.M.C. 2017/2024

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..... Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with
Mr. Bhaskar Mishra, Advocate.

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..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
Mr.Narender Vashisht, Mr.Raju D. and Mr.D.S.
Bhadwaj, Advocates for respondent No.2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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12.03.2024

CRL.M.A. 7792/2024 in CRL.M.C. 2016/2024 (exemption) and
CRL.M.A. 7795/2024 in CRL.M.C. 2017/2024 (exemption)

1. Allowed, subject to all just exceptions.



2. The applications are disposed of.

CRL.M.C. 2016/2024, CRL.M.A. 7790/2024 (stay) and CRL.M.A. 7791/2024 (direction) and
CRL.M.C. 2017/2024, CRL.M.A. 7793/2024 (stay) and CRL.M.A. 7794/2024 (direction)

1. By way of present petitions filed under Section 482 Cr.P.C., the petitioner is aggrieved by the order dated 06.03.2024 passed by the learned Principal District & Sessions Judge (South) Saket Courts, New Delhi in CA Nos.327/2022 and 328/2022.

2. Learned Senior Counsel for the petitioner submits that during the pendency of proceedings before the trial court, the parties were able to reach an amicable settlement. While referring to the order dated 31.01.2023, it is submitted that vide the said order, the issue whether Rs.40 lacs amount deposited by the petitioner was to be forfeited or adjusted had to be decided after the last installment has been paid. He further contends that apart from the said amount of Rs.40 lacs, the entire remaining amount stands paid. He submits that in case Rs.40 lacs is to be adjusted, the petitioner has no remaining liability.

3. Learned counsel for respondent No.2, however, contests the aforesaid position and submits that vide earlier orders, the aforesaid amount of Rs.40 lacs was directed to be forfeited as the petitioner had failed by the terms of settlement.

4. Considering that the appeal is pending before the Sessions Court, the concerned Court shall pass a speaking order on the issue that finds mention in the said order 31.01.2023. While considering the submissions of the parties, the Sessions Court will also look into the total amounts paid by the



petitioner.

5. With the aforesaid observation, the petitions are disposed of alongwith the pending applications.

6. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial as the observations are only for the purpose of the disposal of the present petitions.

7. Let a copy of this order be communicated to the concerned trial court for information and necessary compliance.

DASTI.

MANOJ KUMAR OHRI, J

MARCH 12, 2024

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