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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2242/2024, CRL.M.A. 8738/2024 (Stay) & CRL.M.A.
8669/2024 (Exemption)

SUSENJIT MALLIK

..... Petitioner

Through: Mr. Pinaki Yadav, Advocate (through
VC).

versus

SYNDICATE BANK

..... Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
19.03.2024

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1. The present petition under Article 227 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:

“(i) Challenge the legality, validity and correctness of the Order dated 22.02.2012 passed by the Ld. MM, Dwarka Court, Delhi in CC No. 20396/ 2010 & CC No. 20397/ 2010 (ANNEXURE P-1) whereby under the garb of separate trial other two absconding directors was allowed to be go scot-free as no proceedings was initiated and/ or commenced but the entire burden of conviction was caste upon the petitioner resulting in a situation where the order of sentence dated 17.12.2014 passed by the learned Trial Court only the petitioner was directed to undergo simple imprisonment of six months and was required to pay compensation of Rs.85,00,000/- to the complainant and in default thereof was required to undergo further imprisonment of one month;

(ii) Stay the operation and implementation of the Order of conviction



dated 17.12.2014 passed by the Ld. Trial Court till the disposal of the instant proceedings;

(iii) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper and/ or award cost of the petition."

2. It is pointed out that the present petitioner was convicted and sentenced by the learned Metropolitan Magistrate for the offence punishable under Section 138 of the Negotiable Instruments Act on 09.12.2014 and 17.12.2014. The appeal filed by the present petitioner challenging the judgment of conviction and order on sentence passed by the learned Metropolitan Magistrate was dismissed by learned Special Judge: CBI (PC Act) *vide* judgment dated 13.04.2018 in Criminal Appeal No. 18/17. It is further pointed out that against the said impugned order passed by learned Special Judge: CBI (PC Act), revisions petitions have been filed by the present petitioner bearing No. CRL REV.P. 568/2018 and 746/2018. In the said petitions, directions were given to the present petitioner to surrender. However, he still has not surrendered.

3. The impugned order dated 22.02.2012 in the present petition was passed during the course of trial in which the petitioner was convicted *vide* order dated 17.12.2014 passed by the learned Metropolitan Magistrate against which the present petitioner had already filed an appeal and the same was dismissed. The said dismissal is now the subject matter of aforesaid revision petitions.

4. In view of above, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to raise the grounds taken herein with respect to the order dated 22.02.2012 during the hearing of the proceedings in the aforesaid revision petitions in accordance with law.

5. Leave and liberty granted.



6. The present petition is dismissed as withdrawn and disposed of accordingly.

7. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MARCH 19, 2024/bsr