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

+ **CRL.A. 314/2022**

DEVIKANT

.....Appellant

Through: None.

versus

STATE (GNCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

23.10.2024

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1. It has been noted that none has been appearing for the appellant for the last many dates.
2. The present petition has been filed challenging the Judgment dated 25.05.2022 and Order on Sentence dated 02.06.2022 passed by Ld. MM (NI Act), West, Tiz Hazari Court, New Delhi in Criminal Complaint No.19/2016, titled *Sumit Kumar Jindal vs. Devikant* wherein the appellant has been convicted for the offence under Section 138 of Negotiable Instruments Act. Vide Order on Sentence dated 02.06.2022, the appellant was awarded to undergo Simple Imprisonment for two months and was further directed to pay compensation of Rs. 3,00,000/- to the complainant and in default of payment of compensation, the appellant was awarded to undergo Simple Imprisonment for fifteen days.
3. Perusal of the record indicates that this Court has not passed any order regarding suspension of sentence and the appellant has not been



appearing since 18.11.2023. The present appeal before this Court has been filed against the conviction recorded by Ld. MM in Complaint Case u/s 138 N.I. Act. Sub-section 374(3) Cr.P.C. provides that any person convicted in a trial held by Ld. MM, such person may appeal to the Court of Session. Thus, the present appeal, on the face of it, is not maintainable.

4. Let the copy of this Order be sent to the learned Trial Court for information and necessary action.

DINESH KUMAR SHARMA, J

OCTOBER 23, 2024

JN/DG..