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

+ CRL.M.C. 4697/2022 & CRL.M.A. 19008/2022, CRL.M.A. 6286/2023, CRL.M.A. 33079/2023, CRL.M.A. 27200/2024 & CRL.M.A. 27201/2024
ZAKIR HUSSAIN & ANR.Petitioners

Through: Mr. Gaurav Bindal, Ms. Kanchan & Mr. Kanchan, Advocates.

versus

STATE (GNCT OF DELHIA) AND ANR.Respondents

Through: Mr. Aman Usman, APP for the State with Mr. Piyush Bansal, Mr. Vishal Bharadwaj, Mr. Ankit Kumar Singh, Mr. Paripoorn, Mr. Raj Ratnam Nagar and Mr. Taha Munim Bhatt, Advocates.
Mr. Rajesh Kumar, Ms. Mishika Pandita, Mr. Mohd Changez Ali Khan, Advocates for CBI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

10.09.2024

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1. Petitioners have approached this Court challenging the Order dated 10.06.2022, passed by the learned Additional Sessions Judge, Rohini Courts, in CA No.82/2022, directing the Petitioner herein to deposit 50% of the compensation amount, as has been granted by the learned Metropolitan Magistrate.

2. The present proceedings arise out of a complaint under Section 138 NI Act, filed by the Respondent No.2 against the Petitioner herein. It is stated that the learned Metropolitan Magistrate has convicted the Petitioners herein for offences under Section 138 NI Act and had directed the Petitioners to pay a compensation of Rs.36,29,385/- to the Respondent No.2.



It is stated that the said Order was challenged by the Petitioners herein before the learned ASJ by filing an appeal. In the said appeal, as a condition precedent for suspension of sentence, the learned ASJ has directed the Petitioner herein to deposit 80% of the compensation amount. The said Order has been challenged by the Petitioners before this Court.

3. This Court on 19.09.2022 stayed the Order dated 10.06.2022 subject to the Petitioners herein depositing Rs. 18,23,812/-, i.e. the cheque amount, which is 50% of the total compensation amount.

4. It is stated by the learned Counsel for the Petitioners that the total amount directed by the learned ASJ vide Order dated 10.06.2022 was same as has been directed by this Court *vide* Order dated 19.09.2022.

5. Be that as it may. The appeal filed by the Petitioners has been dismissed. The present Petition has been filed against an interim Order and in view of the fact that the appeal itself has been dismissed, the present Petition has become infructuous.

6. Accordingly, the present Petition is disposed of as having become infructuous.

7. Liberty is granted to the Petitioners to file an appropriate Petition before the competent Court challenging the dismissal of the appeal. The Petitioners are also at liberty to file an application for suspension of sentence in the said Petition.

8. It is made clear that this Court has not made any observations on the merits of the case or on the correctness or otherwise of the compensation amount.

SUBRAMONIUM PRASAD, J

SEPTEMBER 10, 2024

Rahul