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

+ CRL.REV.P. 2/2022 & CRL.M.(BAIL) 2/2022

DHRUV VARMA

.....Petitioner

Through: Petitioner-in-person

versus

STATE (GOVT OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Harsh Vardhan Sharma, Mr.
Neeraj Kumar, Mr. Harsh Saini, Mr.
Ashutosh Kumar Pandey, Advocates
for R-2.

+ CRL.REV.P. 3/2022 & CRL.M.(BAIL) 3/2022

(11) DHRUV VARMA

.....Petitioner

Through: Petitioner-in-person

versus

STATE (GOVT OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Harsh Vardhan Sharma, Mr.
Neeraj Kumar, Mr. Harsh Saini, Mr.
Ashutosh Kumar Pandey, Advocates
for R-2.

+ CRL.REV.P. 4/2022 & CRL.M.(BAIL) 4/2022

(12) DHRUV VARMA

.....Petitioner

Through: Petitioner-in-person

versus

STATE (GOVT OF NCT OF DELHI) & ANR.Respondents



Through: Mr. Shoaib Haider, APP for the State.
Mr. Harsh Vardhan Sharma, Mr.
Neeraj Kumar, Mr. Harsh Saini, Mr.
Ashutosh Kumar Pandey, Advocates
for R-2.

+ CRL.REV.P. 5/2022 & CRL.M.(BAIL) 5/2022

(13) DHRUV VARMAPetitioner

Through: Petitioner-in-person

versus

STATE (GOVT OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Harsh Vardhan Sharma, Mr.
Neeraj Kumar, Mr. Harsh Saini, Mr.
Ashutosh Kumar Pandey, Advocates
for R-2.

+ CRL.REV.P. 6/2022 & CRL.M.(BAIL) 6/2022

(14) DHRUV VARMAPetitioner

Through: Petitioner-in-person

versus

STATE (GOVT OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Harsh Vardhan Sharma, Mr.
Neeraj Kumar, Mr. Harsh Saini, Mr.
Ashutosh Kumar Pandey, Advocates
for R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

20.08.2024

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1. The Petitioner has approached this Court challenging the Judgment



dated 10.12.2021 passed by the learned Principal District & Sessions Judge, Patiala House Courts, New Delhi upholding the Judgment dated 02.03.2020 and the Order on Sentence dated 06.03.2020 passed by the learned Metropolitan Magistrate convicting the Petitioner for offences punishable under Section 138 of the N.I. Act and sentenced the Petitioner to undergo imprisonment till the rising of the court with fine of Rs.50,000/- per cheque.

2. Material on record shows that the Petitioner had issued five cheques, which were dishonoured and complaint cases were filed for the offences under Section 138 of the N.I. Act, details of which are reproduced as under:-

Sl. No.	CC No.	Cheque No.	Date of Cheque	Amount (Rs.)	Drawn On
1	2474/17	558211	27.07.2002	2,50,000/-	ABN Amro Bank
2	2475/17	418461	24.02.2002	3,82,080/-	ABN Amro Bank
3	2476/17	971864	30.04.2002	1,27,360/-	Canara Bank
4	2477/17	971863	30.04.2002	80,00,000/-	Canara Bank
5	2478/17	418460	09.02.2002	2,54,720/-	ABN Amro Bank

3. It is stated by the Petitioner that the total cheque amount was Rs.90,14,160/- whereas the Petitioner has already paid a sum of Rs.1,08,27,582/-, a fact which has been recorded by the Trial Court while awarding the sentence.

4. In view of the fact that the Petitioner has already paid more than the cheque amount, a suggestion was put forth to the learned Counsel for the Respondent No.2 as to whether the conviction can be upheld and the sentence can be modified only to the amount that has already been paid by the Petitioner, which is over and above the cheque amount, in view of the fact that the Petitioner has already suffered the imprisonment till the rising of the court.

5. Learned Counsel for Respondent No.2, on instructions, states that the Respondent No.2 has no objection if the sentence is modified to the amount



already paid by the Petitioner.

6. Accordingly, the conviction and imprisonment suffered by the Petitioner till the rising of the court is upheld, whereas the sentence is reduced to the amount already paid by the Petitioner.

7. The petitions are disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 20, 2024
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