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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 929/2024, CRL. M.A. Nos. 21159/2024, 21160/2024**

GOVIND RADHE REAL ESTATE LTD & ANR.....Petitioners

Through: **Mr. Ashwin Vaish and Mr. V. Thomas and Mr. Kamal Bhatia, Advocates.**

versus

LAL KRISHNA AARYA

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

29.07.2024

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1. By way of the present petition, the petitioners have assailed the order dated 18.05.2024 vide which the petitioners were directed to deposit a sum of Rs.1 lac as a condition out of the fine amount of Rs.5 lacs which was imposed vide judgment of conviction dated 29.02.2024 and order on sentence dated 15.04.2024.

2. Mr. Vaish, learned counsel for the petitioners further states that petitioners were facing trial in three complaint cases that were filed by the same complainant, who is part of the same family. He further submits that while the petitioners have been convicted in all three cases however, during the hearing of appeal in other two cases, no such condition was imposed while suspending the sentence of the appellant whereby he was asked to deposit any amount. It is submitted that the impugned order in the present case though directs deposit of Rs.1 lac however, does not spell out any reason. In support of his submissions, learned counsel has placed reliance



on the decision of Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd., reported as **2023 SCC OnLine SC 1144**. It is submitted that reading of the impugned order does not specify if a case of exception in terms of para 7 of the aforesaid decision of Supreme Court is made out for imposition of deposit of Rs.1 lac being 20% of the fine amount.

3. Considering that in two other cases the Appellate Court has not imposed any condition of depositing of part of fine amount in exercise of Section 148 of the NI Act, there is no exception which can be read from the impugned order which necessitated the direction to the appellant/petitioner to pay Rs. 1 lac. The directions to deposit Rs.1 lac, vide the impugned order, are set aside however, it shall be open for the Appellate Court to consider passing an order in terms of Section 148 of the NI Act in line of the aforesaid decision of the Supreme Court. The other contentions raised in the petition are left open to be urged before the Appellate Court at the appropriate state.

4. Petition is disposed of in the above terms.

5. Copy of the order be communised to the concerned Court.

MANOJ KUMAR OHRI, J

JULY 29, 2024

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