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

+ **CRL.M.C. 6778/2024**

SUMIT CHUAHAN

.....Petitioner

Through: Mr. Murari Tiwari, Mr. Rahul
Kumar and Mr. Puneet Parihar,
Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **29.08.2024**

CRL.M.A. 25859/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6778/2024 AND CRL.M.(BAIL) 1449/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of petitioner challenging order dated 25.07.2024 passed by learned ASJ-05, (South) Saket District Court in Criminal Appeal 16/2024, since the petitioner failed to deposit the 20% of the compensation amount for purpose of suspension of sentence, in appeal preferred by him against conviction under Section 138 NI Act.
2. Learned APP for the State/respondent No.1 appears on advance notice and accepts notice.
3. Learned counsel for petitioner submits that vide impugned order suspension of sentence granted to petitioner during pendency of appeal, was revoked and learned Trial Court was directed to execute the sentence since



the said amount could not be deposited despite an opportunity being granted to the petitioner. It is urged that compensation amount as directed could not be deposited, since the petitioner is in acute financial stress. He further submits that petitioner undertakes to deposit the 20% of the compensation amount with the Appellate Court within a period of one week from passing of this order.

4. Considering the totality of facts and circumstances and in view of statement made on behalf of petitioner undertaking to deposit the amount as directed by learned Appellate Court, impugned order dated 25.07.2024 revoking suspension of sentence is set aside. Appellate Court shall accordingly hear the appeal, in accordance with law on deposit of said amount.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Appellate Court and learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 29, 2024

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