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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7234/2024 CRL.M.A. 27635/2024 CRL.M.A. 27636/2024**
SUBODH SHARMAPetitioner

Through: Mr. Puneet Srivastava, Adv.

versus

SUBHASH CHANDER AGGARWALRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
12.09.2024

1. This petition has been filed assailing the order dated 06th April, 2024, passed by the ASJ, Tix Hazri Courts, where the appeal of the petitioner against the conviction and proceedings under Section 1398 of Negotiable and Instruments Act was dismissed for non-compliance of the order of deposit.
2. On 07th June, 2023, the appeal before the Sessions Court against the judgment dated 31st January, 2023, and order on sentence dated 03rd March, 2023, was passed, where the petitioners were sentenced to undergo simple imprisonment for three months and to pay a fine of Rs. 81,809/- with simple interest at 9% per annum from 04th March, 2016 to 31st January, 2023 as compensation.
3. The Session's Court passed a direction to admit the plea and suspend the order on sentence, subject to deposit of 30% of compensation amount, to be paid within 60 days. However, the said amount was not paid. The Sessions



Court note that on 06th April, 2024, Mr. Subodh Sharma, Director of the appellant had appeared before the Court and was given another opportunity to do so, however, the said amount was not deposited.

4. Counsel for petitioner states that the company has been through very serious financial crises and have now been able to arrange the money and are ready to deposit a demand draft of Rs. 50,000/- calculated on the basis of fine amount of Rs. 81,809/- with simple interest at 9% coming amounting to Rs. 50,962/-, in total being Rs.1.33 lacs. Accordingly, they are ready to pay a demand draft of Rs. 50,000/- (more than 30%) and their appeal to be heard.

5. In this view of the matter, the said amount be deposited in the Sessions Court and subject to further directions of the Sessions Court, the appeal be restored to its original number.

6. Counsel for petitioner on instructions states that they are also ready to pay the entire amount within four weeks.

7. In this view of the matter, the prayer is made for stay of NBW's which have been issued against the petitioner. The matter is already fixed before the Sessions Court on 18th September, 2024, the accused be present before the Court on the date fixed. Sessions Court may pass necessary directions in this regard. The NBWs are stayed till the next date of hearing before the Sessions Court.

8. Petition is, accordingly, disposed of.

9. 'dasti'

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 12, 2024/RK