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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7765/2024, CRL.M.A. 29624/2024**

PREM CHAND

.....Petitioner

Through: Ms. Sonal Singh and Mr. Gaurav
Kumar, Advocates.

versus

NISHA

.....Respondent

Through: Mr. Naman Raj Thakur, Advocate

AND

CRL.M.C. 7766/2024, CRL.M.A. 29651/2024

PREM CHAND

.....Petitioner

Through: Ms. Sonal Singh and Mr. Gaurav
Kumar, Advocates.

versus

NISHA

.....Respondent

Through: Mr. Naman Raj Thakur, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

03.10.2024

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1. By way of above-noted petitions, the petitioner, who was convicted in the proceedings initiated under Section 138 of the N.I. Act, seeks stay of the proceedings pending before the Ld. Sessions Court in Revision Petition No. 80/2022 on the point of sentence.

2. A perusal of the records would reveal that the petitioner was convicted by the Ld. Judicial Magistrate on 14.03.2022 and vide order on



sentence dated 31.03.2022 he was sentenced to undergo SI for 5 months with a fine of Rs.20 lacs to be paid to the complainant within 3 months from the date of the order and in default thereof, to further undergo SI for 5 months. Petitioner's challenge to the conviction, vide Appeal No. 433/2024, came to be dismissed on 09.01.2024. Concededly, the proceedings are still pending before the Sessions Court insofar as petitioner's sentence is concerned. It is also informed that the complainant had also sought enhancement of sentence by way of CrI. Rev.P. 80/2022 which is also pending consideration before the Sessions Court. The petitioner, however, in between, has approached this Court by way of CrI. Rev.P. 433/2024 seeking suspension of sentence. The Predecessor bench of this Court vide order dated 02.04.2024, while recording the petitioner's submissions noted that a sum of Rs.4 lacs was already deposited with the Trial Court and on the basis of the petitioner's undertaking that further a sum of Rs.8 lacs would be deposited within 15 days, the petitioner's sentence was suspended on the terms and conditions stated therein. The said order came to be challenged in SLP (CrI.) No. 5788/2024, which was dismissed by granting further 4 weeks time to the petitioner.

Ld. counsel for the petitioner submits that a sum of Rs.8 lacs now stands deposited with the learned Trial Court. The present proceedings seeking stay of the proceedings before the Sessions Court on the ground that by way of present petition, the petitioner's challenge to the judgment of conviction passed by learned Judicial Magistrate and the impugned judgment is pending consideration before this Court, is completely misplaced. The petitioner, in fact, seeks to derail the further proceedings pending before the Session Court wherein petitioner's sentence is under



consideration.

3. At this stage, ld. counsel for the petitioner, on instructions, seeks leave to withdraw the petition.

4. Leave, as prayed for, is granted. The petition is dismissed as withdrawn alongwith the pending application.

5. Ld. Session Court shall decide the proceedings pending before it within 2 weeks from today on its own merits.

6. Copy of the order be communicated to the concerned Sessions Court.

7. Needless to state that this Court has not gone into merits of any contentions and all such would remain open to be urged. The petitioner shall be at liberty to challenge the outcome of the decision by the ld. Session Court, if so required.

MANOJ KUMAR OHRI, J

OCTOBER 3, 2024

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