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

+ **CRL.M.C. 8566/2024**

DEEPAK KUMARPetitioner
Through: Mr. Shiv Chopra and Mr.
Siddharth Arora, Advs.
versus
GURMEET SINGH AND ORS.Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN
ORDER
% **29.10.2024**

CRL.M.A. 32715/2024 (*exemption from filing certified and dim
copies of the annexures*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 8566/2024

3. By the present petition, the petitioner challenges the order dated 13.04.2023 (hereafter '**impugned order**'), passed by the learned Additional Sessions Judge (**ASJ**)-04, West, Tis Hazari Courts, Delhi, pursuant to which the petitioner was directed to deposit a sum of ₹1,00,000/-, that is, 25% of the compensation amount, while admitting the petitioner on bail and suspending the order on sentence dated 13.03.2023.
4. The learned counsel for the petitioner submits that an erroneous order was passed by the learned ASJ.
5. He submits that the order on sentence was suspended subject to deposit of 25% of the compensation amount. He submits that the same is not permissible in law and the provision of Section 148 of the Negotiable Instruments Act, 1881 (**NI Act**),



cannot be made applicable in regard to the appeals challenging the order of conviction / sentence.

6. He submits that though the learned Appellate Court has power to pass an order directing deposit of certain percentage of the compensation, however, the same cannot be a condition precedent for suspension of sentence. He submits that suspension of sentence is governed by the provisions of the Code of Criminal Procedure, 1973 (CrPC).

7. There is *prima facie* merit in the argument raised by the petitioner. However, undisputedly, the impugned order was passed way back on 13.04.2023.

8. On being pointedly asked, it is informed that the amount has since been deposited by the petitioner and the learned Appellate Court has proceeded with the arguments in the appeal.

9. Considering the inordinate delay in challenging the impugned order and the fact that the order has already been complied with, this Court does not consider it apposite to entertain the present petition.

10. It is made clear that the petitioner is at liberty to take all arguments including that the order of conviction is passed erroneously in terms of Section 7 of the NI Act before the learned Appellate Court.

11. All questions of law are left open.

12. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

OCTOBER 29, 2024

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