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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(NI) 95/2024 CRL.M.A. 39076/2024 CRL.M.A.**
39077/2024 CRL.M.A. 39078/2024

ARJUN PROPRIETOR M/S GLOBAL ENTERPRISES.....Petitioner

Through: Mr. Mohammadn Faizan, Mr.
Mirzamaaz Beg, Mr. Danish Akshay
Jain, Ms. Pranjal Chaturvedi along
with revisionist in person.

versus

STATE OF NCT OF DELHI & ORS.Respondents
Through: Mr. Satinder Singh Bawa, APP for
State.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

24.12.2024

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1. This petition has been filed seeking to set aside the order dated 09th December 2024, passed by the ASJ in Criminal Appeal No. 297/2024.
2. In these proceedings, under Section 138 Negotiable Instrument Act, in CC No. 121/2020, petitioner was convicted by order dated 30th September 2024, passed by JMFC, New Delhi District, Patiala House Courts and was sentenced by order dated 05th October 2024, to pay a fine of Rs. 6,80,000/- as compensation to the complainant within 60 days, failing which the petitioner was undergo simple imprisonment of 3 months in default.
3. An appeal was filed before the ASJ which came up on 09th December 2024, at 02:00 P.M. The matter was passed over on request by counsel for appellant, and it was taken up again at 03:00 P.M, when an exemption



application had been moved by petitioner /appellant. The application was dismissed on the ground that it lacked merit, and the matter was sent to JMFC, Patiala House Courts. The matter is now listed for further proceedings before the ASJ on 24th January 2025.

4. Counsel for petitioner refers to the handwritten exemption application submitted before the ASJ, wherein it was stated that petitioner's daughter had fallen unwell, her health had deteriorated, and petitioner had to go to the doctor for treatment on the morning of the 09th December 2024. Non-appearance was not deliberate nor intentional, as per the petitioner.

5. Taking a holistic view of the matter, the petition is disposed of with the direction that the matter be remanded back to the ASJ to reconsider the suspension application on 10th January 2025.

6. Counsel for petitioner states, on instructions, that petitioner is willing to deposit 30% of the fine amount before the Court of ASJ. The said amount shall be deposited, as per the directions of the ASJ.

7. In the meantime, steps may not be taken before the Magistrate regarding the execution of the sentence.

8. Petition is disposed of with the above directions.

9. '*dasti*'

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

ANISH DAYAL, J

DECEMBER 24, 2024/RK/tk