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

+ CRL.REV.P.(NI) 52/2025 & CRL.M.A. 5510/2025,
CRL.M.A. 5511/2025, CRL.M.A. 11132/2025, CRL.M.A.
19625/2025

V. SARAVANANPetitioner
Through: Mr. Desh Raj and Mr.
Shikhar Kumar,
Advocates.

versus

M/S. RISHIKESH HIRE PURCHASE AND LEASING
COMPANY PVT. LTD.Respondent

Through: Mr. Siddharth Khattar,
Advocate (through VC).

+ CRL.REV.P.(NI) 53/2025 & CRL.M.A. 5513/2025,
CRL.M.A. 5514/2025, CRL.M.A. 11122/2025, CRL.M.A.
19495/2025

V. SARAVANANPetitioner
Through: Mr. Desh Raj and Mr.
Shikhar Kumar,
Advocates.

versus

M/S. RISHIKESH HIRE PURCHASE AND LEASING
COMPANY PVT. LTD.Respondent

Through: Mr. Siddharth Khattar,
Advocate (through VC).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
10.07.2025

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1. The present petitions are filed by the petitioner seeking to set aside the judgment dated 06.02.2025, passed by learned Additional Sessions Judge-02, Central District, Tis Hazari Courts Delhi (**'Court of Sessions'**), affirming the judgment of conviction and order on sentence passed by the learned Trial

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Court, convicting the petitioner to the offence under Section 138 of the Negotiable Instruments Act, 1881. By the order of sentence, the learned Trial Court had directed him to pay a total sum of ₹9.80 crores to the respondent.

2. Undisputedly, the matter is still pending consideration before the learned Court of Sessions for arguments on the point of sentence. In the meantime, during the pendency of the proceedings, according to the petitioner, he has paid a sum of ₹7.64 crores to the respondent. The said fact, however, is disputed by the respondent. The learned counsel for the respondent states that only a sum of ₹7.47 crores has been received.

3. Be that as it may, substantial amount has already been received by the respondent. As noted above, the learned Court of Sessions is still to hear the arguments on point of sentence.

4. Undisputedly, there is a possibility that the learned Court of Sessions may reduce the amount of fine as directed by the learned Trial Court or may increase the same. This Court does not consider it apposite to hear the arguments on merits in regard to the order passed by the learned Court of Sessions affirming the conviction. The same, in the opinion of this Court, ought to be heard after the final order on sentence is passed by the learned Court of Sessions.

5. It is submitted that the matter is listed on 14.07.2025 before the learned Court of Sessions. The parties are directed to appear on the said date and address arguments on the point of sentence. Needless to state, the petitioner is at liberty to file a fresh petition challenging the order dated 06.02.2025 and any subsequent order that may be passed by the learned Court of Sessions. Similarly, the respondent is also at liberty in case they



wish to challenge the order passed by the learned Court of Sessions, if he is not satisfied with the amount of fine that may be directed to be paid by the petitioner.

6. It is pointed out that certain amount which was lying deposited before the learned Trial Court was released to the respondent, pursuant to the undertaking given by the petitioner before the executing Court. Proceedings were initiated by the respondent for recovery of the amount, pursuant to the arbitral award passed in his favour. Undisputedly, the respondent would be entitled to the adjustments in that regard.

7. It is further directed that in case the fine imposed by the learned Court of Sessions is less than the amount already paid by the petitioner, the extra amount shall be forthwith refunded by the respondent within a period of one month from the date of passing of the order on sentence by the Court of Sessions after adjusting the amount released to it pursuant to the execution proceedings.

8. Since a substantial amount has been paid by the petitioner, in case the learned Court of Sessions upholds the order on sentence passed by the learned Trial Court, a further period of four weeks time be granted to the petitioner, for the payment of balance fine amount.

9. No further orders are required to be passed.

10. The petitions stand disposed of alongwith pending applications.

AMIT MAHAJAN, J

JULY 10, 2025

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