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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1329/2025 & CRL.M.(BAIL) 402/2025 SUSPENSION
OF SENTENCE

SUBHASH ARYA

.....Petitioner

Through: Mr. Gurpreet Singh and Mr.
Manvendra Pratap Singh, Ms.
Saumya Khan, Ms. Rukban Tyagi,
Advocates with Ms. Komal Arya,
Parokar.

versus

STATE NCT OF DELHI & ORS.Respondents

Through: Mr. Hitesh Vali, APP for State.
Mr. Harender Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
08.04.2025

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1. This petition has been filed under Section 528 BNSS by the petitioner seeking setting aside of judgment of conviction dated 27.09.2023 and order of sentence dated 05.12.2023, vide which the petitioner was convicted and sentenced.
2. Vide judgment dated 27.09.2023, the petitioner has been convicted under Section 138 NI Act and vide order dated 05.12.2023, he has been sentenced to simple imprisonment for a period of six months and further directed to pay a sum of Rs. 1,35,000/- as compensation to the complainant with further direction that such compensation shall be paid within thirty days and in case of default, the convict shall undergo simple imprisonment for a period of one month.



3. Mr. Gurpreet Singh, learned counsel appearing for the petitioner submits that petitioner does not want to press his challenge to the judgment of conviction returned by the trial court. He confines his challenge only to the quantum of sentence. He further submits that the matter has been amicably settled between the parties and in terms of the settlement, petitioner has made the payment of compensation as awarded by the learned trial court to the complainant.

4. Complainant, who appears in person, confirms having received the compensation amount awarded by the trial court. He states that he has no objection in case a lenient view is taken by setting aside the substantive sentence of imprisonment.

5. Since the petitioner is not contesting his conviction on merits, petition insofar as it challenges the judgment of conviction dated 27.09.2023 is concerned, is dismissed. However, keeping in view the admitted fact that petitioner has made payment of compensation amount of Rs. 1,35,000/- awarded by the trial court to the complainant and taking note of the no objection given by the complainant as also the fact that offence under Section 138 NI Act is compoundable, I am of the view that interest of justice would be duly served in case a lenient view is taken. I accordingly deem it appropriate to modify the sentence awarded by the trial court vide order dated 05.12.2023. The order of sentence to the extent it imposes simple imprisonment for six months, is set aside.

6. The petition is disposed of accordingly.

RAVINDER DUDEJA, J

APRIL 8, 2025/vd