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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P.(NI) 90/2025, CRL.M.A. 9521/2025 & CRL.M.A. 9620/2025**

SUHAIB MOHAMMADPetitioner
Through: Mr. Aksay Sahay, Adv.
through V.C.

versus

STATE NCT OF DELHI & ANR.Respondents
Through: Ms. Kiran Bairwa, APP
for the State.

+ **CRL.REV.P.(NI) 91/2025, CRL.M.A. 9552/2025 & CRL.M.A. 9554/2025**

SUHAIB MOHAMMADPetitioner
Through: Mr. Aksay Sahay, Adv.
through V.C.

versus

STATE NCT OF DELHI & ANR.Respondents
Through: Ms. Kiran Bairwa, APP
for the State.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
28.03.2025

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CRL.M.A. 9520/2025 (exemption) in CRL.REV.P.(NI) 90/2025 & CRL.M.A. 9553/2025 (exemption) in CRL.REV.P.(NI) 91/2025

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

CRL.M.A. 9522/2025 in CRL.REV.P.(NI) 90/2025 & CRL.M.A. 9555/2025 CRL.REV.P.(NI) 91/2025 (for condonation of 50 days in re-filing the petitions)



3. For the reasons stated in the applications, the same are allowed and the delay of 50 days in refiling the present appeals are condoned.

4. The applications stand disposed of.

CRL.REV.P.(NI) 90/2025, CRL.M.A. 9521/2025 & CRL.M.A. 9620/2025 & CRL.REV.P.(NI) 91/2025, CRL.M.A. 9552/2025 & CRL.M.A. 9554/2025

5. The petitioner challenges the order dated 23.01.2025 (hereafter '**impugned order**'), pursuant to which the stay imposed on the order of sentence dated 27.08.2024 was vacated on account of the petitioner not having deposited 20% of the compensation amount in terms of the Section 148(1) of the Negotiable Instruments Act, 1881 (**NI Act**).

6. The petitioner, by order dated 14.08.2024, was convicted for the offence under Section 138 of the NI Act. By the order on sentence dated 27.08.2024, the petitioner was sentenced to undergo imprisonment for a period of two months and was directed to pay compensation of ₹13,60,000/- to the complainant/Respondent No. 2 and in default thereof, to undergo simple imprisonment for a period of 30 days.

7. By order dated 07.10.2024, the learned Appellate Court, in the appeal filed by the petitioner challenging the order of conviction, had directed the petitioner to deposit 20% of the compensation amount in terms of Section 148(1) of the NI Act. Further, subject to the deposit of the said compensation amount, the operation of the sentence dated 27.08.2024 had also been suspended.

8. It is pertinent to note that the order dated 07.10.2024 has not been challenged by the petitioner. The impugned order is



only a consequential order which records that the order dated 07.10.2024 had not been complied with and noting the same, the stay on the order on sentence dated 27.08.2024 was vacated.

9. The order dated 07.10.2024 granting stay of the order of sentence was conditional and, therefore, no infirmity can be found with the impugned order which only vacates the order noting that the condition has not been complied with.

10. In the absence of any challenge to the order dated 07.10.2024 which mandated the deposit of 20% of the compensation amount and consequently imposed a stay on the operation of the order on sentence, the consequential order vacating the stay on account of non-deposit of the compensation amount cannot be faulted with.

11. The petitions are, therefore, dismissed.

12. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

MARCH 28, 2025

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