



\$~44

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

+ **CRL.M.C. 6913/2023 & CRL.M.A. 25825/2023**

OM PRAKASH

.....Petitioner

Through: Mr. Daud Ahmad, Advocate.

versus

THE STATE (NCT OF DELHI) AND ANRRespondent

Through: Mr. Sanjeev Sabharwal, APP for the
State.

Mr. Raghav Goel, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

08.10.2025

%

1. Petitioner is before this court seeking quashing of the impugned order dated 11.09.2023, passed by the learned ASJ, Patiala House Courts, Delhi, *vide* which the learned ASJ has revoked the suspension of sentence of the petitioner.

2. Matter was earlier heard by the Coordinate Bench of this Court and *vide* an order dated 22.09.2023 controversy has been succinctly summed up.

The relevant paragraphs of the said order are reproduced herein below:

“3. The present petition has been filed by the petitioner against the impugned order dated 11.09.2023, whereby the suspension of sentence was revoked by the learned ASJ-07, PHC, New Delhi on the ground that the petitioner has failed to comply with the condition of depositing the 20% of the compensation amount by way of FDR subject to which the sentence of the appellant was suspended.



4. The learned counsel appearing on behalf of the petitioner submits that the petitioner was convicted for an offence under Section 138 NI Act and he was directed by the learned Metropolitan Magistrate vide order dated 15.02.2023 to pay a sum of Rs. 5,00,000/- to the complainant and in default of payment of fine, it was directed that the petitioner shall undergo simple imprisonment for a period of three months.
5. He submits that the petitioner preferred an appeal against the aforesaid order of the learned Metropolitan Magistrate and also filed an application for suspension of sentence.
6. He submits that vide order dated 05.06.2023, the learned ASJ-07, PHC, New Delhi suspended the sentence of the petitioner till the conclusion of the appeal subject to the petitioner depositing 20% of the compensation amount in the Court by way of FDR within 60 days from the date of the said order.
7. He submits that the petitioner was not able to deposit the said FDR in the Court in as much as it has not been mentioned in the said order that in whose favour the said FDR has to be made by the petitioner.
8. He invites the attention of the Court to the letter written by the petitioner to the Canara Bank, which is annexed as **Annexure E** to the petitioner, to contend that a request was made by the petitioner to the Canara Bank, Rajesh Pilot Chowk, Rewari, Haryana to issue FDR with regard to his case pending in the Patiala House Court, New Delhi.
9. He submits that the Canara Bank, however, refused by making an endorsement on the said request letter that the details of District & Sessions Judge in whose name the FDR has to be issued be furnished.
10. He submits that it is only in the absence of the details that the bank refused to issue the FDR. He contends that the bonafide of the petitioner cannot be questioned, in as much as, he had made his attempt to get the FDR made and he is still ready and willing to deposit the FDR provided he knows the details of the person or the authority in whose name the said FDR is to be made.



11. Issue notice to the respondent by all permissible modes, returnable on 24.01.2024.

CRL.M.A. 25825/2023 (stay)

12. Having regard to the submissions made by the learned counsel, which prima facie appears to have substance, the operation of the impugned order dated 11.09.2020, is stayed till the next date.

13. Re-notify on 24.01.2024”

3. On resumed hearing today, learned counsel for the respondent submits that petitioner is under the legal mandate to deposit 20 % of the compensation as a pre-requisite amount for getting his appeal heard.

4. Learned counsel for the petitioner candidly submits that the petitioner has no objection in depositing the said amount. However, the needful could not be done for the reasons already enumerated in the aforesaid order. He is ready and willing to do the needful even as on today.

5. In the premise, in view of the aforesaid joint submission, the petition is disposed of with liberty to the petitioner to deposit 20% of the requisite amount after carrying out the due calculations within a period of 30 days from today and upon doing the needful, the appeal shall be heard by the competent Court in accordance with law.

ARUN MONGA, J

OCTOBER 8, 2025/rs/nk