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

+ CRL.REV.P.(NI) 138/2025

PAWAN KUMAR JAIN

.....Petitioner

Through: Mr.Braj Kishore Roy, Adv.

versus

USHA KUMARI JAIN

.....Respondent

Through: Mr. Pradeep Kumar Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

01.12.2025

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1. The present petition has been filed assailing the order dated 04.06.2025 passed by the Court of learned Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi in CRL. A. 31/2025 whereby the appeal preferred by the present petitioner against his conviction and sentence under Section 138 NI Act was dismissed.
2. The parties are husband and wife. The cheque in question was issued by the petitioner (husband) towards the arrears of maintenance, that was due and payable by him to the respondent (wife).
3. In a complaint filed by the respondent against the present petitioner under Section 138 of the Negotiable Instruments Act, 1881, the petitioner was convicted by the Court of Judicial Magistrate First Class-04/North West District, Rohini, District Court, New Delhi *vide* judgment dated 17.12.2024, and *vide* separate order dated 08.01.2025 he was sentenced to undergo



simple imprisonment of two months alongwith a fine of Rs. 68,800/- which was payable to the respondent/complainant and in default of such payment of fine, it was directed that the petitioner shall further undergo simple imprisonment for a period of six months.

4. Mr.Braj Kishore Roy, learned counsel appearing on behalf of the petitioner submits that since the petitioner was not able to deposit the fine, the petitioner was taken into custody. However, subsequently, *vide* order dated 10.07.2025 passed by this Court, the sentence of the petitioner was suspended and he was directed to be released on bail subject to the conditions mentioned therein.

5. He submits that the fine amount of Rs.68,800 was deposited by the petitioner in the Registry of this Court, and this fact is also borne out from the order dated 23.09.2025.

6. Mr. Pradeep Kumar Jain, learned counsel appearing on behalf of the respondent/complainant submits that the amount so deposited by the petitioner has also been released by the Registry of this Court to the respondent/complainant.

7. He, however, submits that the demand draft that has been issued by the Registry mentions the name of the respondent as “Usha Kumari Jain” whereas the account of the respondent is in the name of “Usha Jain”.

8. He urges the Court that necessary directions may be given to the Registry to get the demand draft rectified so as to enable the respondent to encash the same.

9. In view of the above, let respondent deposit the demand draft with the Registry of this Court, and the Registry is directed to get the name of the respondent changed from “Usha Kumari Jain” to “Usha Jain” on the said



demand draft.

10. It is not in dispute that the petitioner has already undergone sentence of about one month, out of substantive sentence of two months. The fine amount also stands paid. On being queried, Mr. Jain submits that he has no objection in case an appropriate order is passed by this Court reducing the sentence of the petitioner.

11. In view of the above circumstances, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone.

12. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

DECEMBER 1, 2025

N.S. ASWAL