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

+ **CRL.REV.P.(NI) 164/2025**

VYAS PRASAD

.....Petitioner

Through: **Mr. Govind Singh, Advocate (VC)**

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: **Mr. Digam Singh Dagar, APP for the State**

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

08.10.2025

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1. Assailed herein is a judgement dated 07.05.2025 passed by learned ASJ, Karkardooma Courts, upholding his conviction and an order on sentence dated 20.03.2024 passed by the learned CMM, Karkardooma Courts, whereby the petitioner was sentenced to undergo simple imprisonment for a period of 8 months and to pay compensation of Rs.8,50,000/- (Eight Lakhs Fifty Thousands only) to the complainant within one month and to undergo further simple imprisonment for three months in default of payment of fine.

2. The petitioner was taken into custody to serve the sentence as awarded by the learned Trial Court, but currently is on interim bail.

3. Briefly speaking, the facts giving rise to filing of the present revision petition are:-

3.1 The complainant/respondent filed a complaint under Section 138, 139, 140 and 141 of the Negotiable Instruments Act against the petitioner,



alleging that the petitioner had issued a cheque in favour of Respondent no.2 herein towards repayment of a friendly loan. However, when Respondent no.2 presented the cheque before the bank, the cheque was dishonoured due to insufficient funds. The petitioner thereafter approached Respondent no.2 and requested him to hold the payment, stating that he was facing financial difficulties.

3.2 The complainant/respondent no.2 issued a legal notice to the petitioner demanding payment, and on non-payment by the petitioner, filed the complaint.

3.3 *Vide* the judgement of conviction dated 12.03.2024 and order on sentence dated 20.03.2024, passed by learned CMM, Karkardooma Courts in complaint case no.1058/2018, the petitioner was held guilty under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of 8 months and compensation of Rs.8,50,000/- (Eight Lakhs Fifty Thousands only) to the complainant within one month and to undergo further simple imprisonment for three months in default of payment of fine.

3.4 The petitioner filed an appeal against the judgement of conviction and order on sentence before the Learned ASJ, Karkardooma Courts. During the pendency of the appeal, the matter was referred to the Delhi Mediation Centre, Karkardooma Courts and the matter was settled between the parties for a total amount of Rs.3,20,000/-, to be paid in instalments as follows: A. Rs.80,000/- before the learned Referral Court on 12.08.2024, B. Rs.80,000/- on or before 12.10.2024, C. Rs.80,000/- on or before 12.12.2024, D. Rs.80,000/- on or before 12.02.2025.

3.5 In compliance with the said settlement, the petitioner paid a total sum



of Rs.1,65,000/- to Respondent no.2. However, due to financial crises, the petitioner failed to pay the remaining instalments within the stipulated time, whereupon the judgment of conviction dated 12.03.2024 and the order on sentence dated 20.03.2024 were upheld by the Learned Appellate Court *vide* order dated 26.04.2025. As his counsel misled him, the petitioner thereafter failed to appear before the learned ASJ, Karkardooma Courts, consequent to which Non-Bailable Warrants (NBWs) were issued against him.

3.6 On 07.05.2025, the petitioner appeared before the learned ASJ, Karkardooma Courts, along with his counsel and moved an application for cancellation of NBWs. On the even date, the petitioner also paid Rs.25,000/- to Respondent no.2 in Court. However, *vide* the impugned judgement dated 07.05.2025, the learned Appellate Court directed that the petitioner be taken into custody to serve the sentence awarded by the learned Trial Court.

4. Learned counsel for the petitioner, at the outset, submits that the matter stands settled between the parties *vide* Settlement Deed dated 30.07.2024 for a sum of Rs.3,20,000/- which is placed on record as Annexure 'A-2', and now nothing is due from the petitioner towards the Complainant/Respondent No.2. He submits that revision petition be thus allowed in view thereof.

5. Learned counsel for the petitioner further submits that per the compromise, the complainant/respondent No.2 herein does not want to pursue the case any further and has no objection if the revision petition is accepted and the petitioner is acquitted. That is why none is appearing for the Complainant/Respondent No.2 today.

6. Learned counsel further points out that the petitioner is a family person having three children, who are undergoing education and a wife to



look after, who are dependent on him for their well-being.

7. In the aforesaid, I have heard the learned counsel for the parties, as well as perused the case file.

8. The matter was earlier referred to Delhi Mediation Centre by the learned Appellate Court where the payment of a sum of Rs.3,20,000/- was mutually agreed by the petitioner in 4 equal instalments. However, there was a default of making the payment, which led to the filing of the present revision petition.

9. The instant petition came up for hearing before me earlier on 28.07.2025, and the following order was passed;-

“CRL.M.A. 21706/2025

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.REV.P.(NI) 164/2025

Issue notice to respondent no. 2/ Complainant, returnable on 27.08.2025.

CRL.M.(BAIL) 1603/2025

1. It transpires that the applicant was convicted by the Trial Court and order to undergo 8 months simple imprisonment and payment of Rs.8,50,000/- as compensation against the Trial Court order, an appeal is subjudice before the learned Additional Sessions Judge and during pendency of the same, applicant was granted bail.

2. In order to explore the possibility of the settlement, the learned Appellate Court had referred the matter to Mediation Centre where vide mutually acceptable settlement dated 30.07.2024, a sum of Rs. 3,20,000/- was agreed to be paid by the applicant in 4 equal instalments.

3. Owing to the default of the applicant to pay equal instalments, non-bailable warrants were issued against the applicant. Pursuant to the non-bailable warrants, he appeared before the Appellate Court on 07.05.2025 and

made a payment of Rs. 25,000/- and apprised that he had already paid a sum

of Rs.1,65,000/- in addition to the Rs.25,000/- tendered on that day.

4. The accused/ revisionist had filed an application before the Ld. ASJ, Karkardooma Courts, Delhi for recalling of the non-bailable warrants issued against him due to his default in the payment, due to



circumstances beyond his control as well as default in his personal appearance, however when he appeared in person on 07.05.2025, he was taken in custody.

5. Notwithstanding the applicant was taken in custody and has been languishing in jail for the past more than two months.

6. Learned counsel for the applicant points out that the applicant is a family person having three children, who are undergoing education and house wife to look after and the entire family is suffering due to his incarceration and is living in sheer penury. Applicant is stated to be suffering from sudden financial calamity.

7. Having heard and perused the case file, I am of the view that as an interim measure, the applicant is entitled to bail till the next date of hearing, i.e. 27.08.2025, subject to his furnishing personal bonds to the satisfaction of the Jail Superintendent and also give an undertaking that he shall appear in person before this Court on the next date.

8. Accordingly, applicant is directed to be forthwith released on interim bail by the Jail Superintendent.

9. Copy of the order be communicated to the Jail Superintendent for its compliance."

10. Though on the aforesaid hearing, the complainant was present in person, yet inadvertently, it has been stated therein that fresh notice be issued to Respondent No.2/complainant, returnable on 27.08.2025.

11. Having heard, it is borne out that the parties have arrived at an amicable settlement, as aforesaid. The offence committed by the petitioner is not a crime against society at large, rather more of a civil dispute bordering quasi criminal element due to a cheque dishonour.

12. Be that as it may, since the entire settlement amount has been paid to the complainant, and it is perhaps for that reason, Respondent no.2/Complainant has chosen not to join the proceedings despite being aware of the pendency of the present revision petition. His deliberate non-appearance is suggestive that he has no objection if the present petition is allowed in view of the amicable settlement between the parties.

13. As an upshot and also for the grounds stated in the petition and for



mutual peace and future bonhomie between the parties, and in the larger interest of justice, revision petition is allowed in view of the settlement between parties. Accordingly, the impugned conviction and order on sentence dated 20.03.2024 passed by the learned Trial Court, as well as impugned judgement dated 07.05.2025 passed by learned Appellate Court are set aside.

14. The petitioner stands acquitted of all the charges *qua* the complaint under Section 138 of the NI Act filed by the Respondent No.2/Complainant against him.

15. The petition is allowed, accordingly.

16. Pending application(s), if any, shall also stand disposed of.

ARUN MONGA, J

OCTOBER 8, 2025

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