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

+ **CRL.M.C. 5905/2025 & CRL.M.A. 25195/2025**

JAI PRAKASHPetitioner

Through: Mr. Vignaraj Pasayat, Mr.
Varun Singh Pannu, Mr.
Naman Agarwal, Advs.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State.

+ **CRL.M.C. 5916/2025 & CRL.M.A. 25219/2025**

JAI PRAKASHPetitioner

Through: Mr. Vignaraj Pasayat, Mr.
Varun Singh Pannu, Mr.
Naman Agarwal, Advs.

versus

STATE NCT OF DELHI & ANR.Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **25.08.2025**

1. The petitioners are essentially aggrieved that two orders on sentence have been passed in respect of one conviction order. The annexures as filed along with the present petitions indicate that the petitioners were convicted for the offence under Section of the 138 Negotiable Instruments Act, 1881 ('NI Act') by judgments dated 18.03.2024, passed by the learned Metropolitan Magistrate ('MM'), NI Act, Digital Court-3, South District,



Saket Courts, New Delhi in CC Nos. 290/2021 and 291/2021.

2. Annexures B and C in both the petitions, however, reflect that two orders on sentence have been passed. Annexure B in CRL.M.C. 5905/2025 reflects that *vide* order on sentence dated 03.04.2024, the petitioner was sentenced to pay a fine of ₹10,40,000/- and in default to undergo simple imprisonment for a period of one month, whereas the second order on sentence annexed as Annexure C of the same date, that is, 03.04.2024 reflects that the petitioner was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹10,40,000/- and in default of payment of fine to undergo simple imprisonment for a period of six months.

3. Similarly, Annexure B in CRL.M.C. 5916/2025 reflects that *vide* order on sentence dated 03.04.2024, the petitioner was directed to pay a fine of ₹8,00,000/- and in default to undergo simple imprisonment for a period of one month, whereas the second order on sentence annexed as Annexure C and dated 03.04.2024 reflects that the petitioner was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹8,00,000/- and in default of payment of fine to undergo simple imprisonment for a period of six months.

4. Undisputedly, two orders on sentence cannot be passed in a matter. The subsequent orders also do not seem to be a rectification of the earlier orders. However, considering that the petitioners have an alternative efficacious remedy of challenging the impugned judgment on conviction before the Court of Sessions in terms of the proviso to Section 372 Code of Criminal Procedure, 1973, this Court does not consider it apposite to



entertain the present petitions.

5. The petitioners are at liberty to file an appropriate appeal before the learned Court of Sessions and raise all arguments before the Appellate Court.

6. The present petitions are disposed of in the aforesaid terms.

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

AMIT MAHAJAN, J

AUGUST 25, 2025

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