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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 112/2025, CRL.M.A. 616/2025 (stay), CRL.M.(BAIL)
55/2025 (for grant of stay as well as suspension of sentence)

MR SUMAN CHADHAPetitioner

Through: Mr. Ashish Kumar, Advocate.

versus

CANARA BANKRespondent

Through: Mr. Babu Malayil, Advocate.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **13.01.2025**

CRL.M.A.617/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 112/2025

3. The Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (*Old Section 482 CrPC, 1973*) has been filed on behalf of the Petitioner, to set aside the impugned Orders dated 03.10.2024 and 14.11.2024 of the learned ASJ in CA No. 262/2024 preferred against the Judgment of conviction and sentence under Section 138 of the Negotiable Instrument Act, 1881 (*hereinafter referred to as 'N.I Act'*) whereby the Petitioner has been directed to deposit 15% of the total fine amount for suspension of sentence.
4. *Learned counsel on behalf of the Petitioner* submits that he is under



tremendous financial constraints and is not in a position to deposit 15% as directed by the learned ASJ, while suspending the Order on Sentence. It is submitted that the amount may further be reduced.

5. *Learned counsel on behalf of the Respondent* has submitted that there was a loan of about Rs.35 Crore, that was taken by the Petitioner. There were three properties of the Petitioner, which have all been sold under Section SARFAESI Act, 2002 and approximately Rs.4 Crore 39 Lacs were recovered from the sale of those properties, which have been appropriated towards the outstanding loan amount of the Petitioner. It is submitted that by the earlier Order, the Petitioner was directed to deposit 20% but on his Application subsequently it has been reduced to 15%. Even now the Petitioner is expressing his inability to deposit the amount. There is no merit in the present Petition, which is liable to be dismissed.

6. **Submissions heard and the record perused.**

7. The cheque amount for which the Petitioner has been convicted and sentenced, is in the sum of Rs.1.50 Crores. The learned ASJ has already shown the indulgence of reducing the deposit of fine amount from 20% to 15%, while suspending the Order on Sentence. The Petitioner apparently has a difficulty in depositing any amount. In the circumstances, there is no merit in the present Petition, which is hereby dismissed.

8. The Petition, as well as, the pending Applications are also disposed of accordingly.

NEENA BANSAL KRISHNA, J

JANUARY 13, 2025/RS