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

+ **CRL.M.C. 3378/2018**

DHRUV VARMA & ANR.

.....Petitioners

Through: Petitioner No.1 in person.

versus

STATE & ANR

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State.

Mr. Sanjeev Mahajan and Mr. Pranjal
Tandon, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.01.2025

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1. The Petition under *Section 482* of the *Criminal Procedure Code, 1973* has been filed for setting aside the Order dated 18.05.2018 and 05.06.2018 passed by learned ASJ *vide* which the Petitioners, who have been convicted under *Section 138* of the *Negotiable Instruments Act*, have been asked to deposit 1/3rd of the fine amount imposed *vide* the Order on Sentence dated 19.04.2018.

2. The only grievance of the Petitioner is that he does not have the financial capacity to deposit the amount, as directed. The directions so given are extremely harsh, onerous, unreasonable, and violative of Petitioners statutory right of Appeal under *Section 374* of the *Cr.P.C* and Fundamental Right guaranteed under *Article 21* of the *Constitution of India*.



3. It is, therefore, submitted that the condition of depositing 1/3rd of the fine amount for hearing of the Appeal be set aside.
4. It is argued on behalf of the Petitioner that *Section 148* of the *N.I. Act* which mandates deposit of at least 20% of the Fine amount has been introduced by way of Amendment w.e.f. 01.09.2018, while this Judgment is of **May, 2018** and, therefore, *Section 148* of the *N.I. Act* does not have any applicability.
5. It is *Section 357(2)* of the *Cr.P.C.*, which is applicable, which gives discretion to the Court that it may direct deposit of some amount.
6. **Learned counsel for the Respondent/Complainant** has vehemently contested the Petition and has submitted that there were eight cases against the Petitioner out of which he has been convicted in four cases aside from the case in which present Petition has been filed. Essentially, when the Order is upheld by the Court of Sessions, the Complainant makes the payment which is his *modus operandi*. It is submitted that the cheque amount was Rs.35 lakhs and the Petitioners have been directed to deposit in all Rs.10 lakhs, which cannot be considered to be onerous.
7. It is submitted that there is an Interim stay in the present case which has been operating since 2018. The Appeal is being heard by the learned ASJ and the written arguments have already been filed. It is, therefore, stated that the Interim orders may be continued till the disposal of the Appeal by the learned ASJ.
8. The learned counsel for the Complainant, has opposed any further extension of interim stay and submits that there is no merit in



the present Revision Petition which is liable to be dismissed.

9. **Submissions Heard. Record perused.**

10. In view of the circumstances, the Petitioners are directed to deposit 10% of the Compensation amount within 60 days.

11. With this the Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 21, 2025

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