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

\+ **CRL.REV.P.(NI) 87/2026, CRL.M.A. 9260/2026, 9259/2026 & CRL.M.(BAIL) 626/2026**

RAHUL J. SHETH .....Petitioner

Through: Counsel for petitioner (*appearance not given*)

versus

DURGESH SHARMA .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

O R D E R

% 27.03.2026

1. Petitioner assails order dated 18.02.2026 of the appellate court whereby on account of default in compliance with the directions under Section 148 Negotiable Instruments Act, suspension of sentence under Section 138 of Negotiable Instruments Act was revoked.

2. Learned counsel for petitioner has taken me through records and it is contended that suspension of sentence was not subject to deposit 20% of the compensation amount, therefore, the suspension of sentence once granted could not have been revoked. In this regard, learned counsel has taken me through record.

3. It is submitted by learned counsel for petitioner that after conviction, the petitioner was sentenced under Section 138 of Negotiable Instruments Act vide order dated 15.02.2025. The sentence awarded was simple imprisonment for four months and a fine of Rs. 24,60,000/- with default

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imprisonment for period of four months. The appellate court suspended the sentence on 24.04.2025 without imposing any condition as per learned counsel for petitioner. But thereafter, vide order dated 16.09.2025, the appellate court passed an order under Section 148 of the Act, directing deposit of 20% of the fine amount. That order dated 16.09.2025 was challenged by the petitioner before this Court through Crl. M.C. 8706/2025, which was disposed of by a coordinate bench of this Court extending the time to deposit 20% of the fine amount by six weeks. The petitioner having failed to deposit the said amount, the learned appellate court revoked the suspension of sentence by way of the impugned order.

4. It is contended by learned counsel for petitioner that since suspension of sentence was without any direction to deposit 20% of the fine amount, the suspension could not be revoked. It is also contended that the impugned order is tantamount to review, which could not be done by the learned appellate court.

5. The contention of learned counsel for petitioner does not appear to be in consonance with record.

6. The suspension of sentence on 24.04.2025 was not unconditional, in so far as the appellate court specifically held that the operation of the judgment and order on sentence was stayed till next date of hearing, apparently because counsel for the present petitioner submitted that he would address arguments under Section 148 of Negotiable Instruments Act on the next date of hearing. Further, even before the coordinate bench of this Court, the petitioner was granted extended six weeks to deposit the amount but he failed to do so. Before the coordinate bench, the petitioner categorically stated that he did not press the petition on merits.

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7. Despite that now the petitioner has audacity to challenge the revocation of sentence suspension.

8. At this stage, learned counsel for petitioner on instructions seeks permission to withdraw this petition with liberty to move fresh application before the appellate court after depositing the 20% of the fine amount.

9. As requested, the petition is dismissed as withdrawn with liberty as sought. However, the observations made in this order shall not be read to the prejudice of either side before the appellate court.

GIRISH KATHPALIA, J

MARCH 27, 2026
'*rs*'

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