



2026:DHC:2622



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Judgment reserved on: 19.03.2026**Judgment pronounced on: 27.03.2026**Judgment uploaded on: 28.03.2026*

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CRL.REV.P. 723/2014

DHRVU VARMA & ANR.

.....Petitioners

Through: Dr. Amit George, Mr. Amol
Acharya and Mr. Kartikay
Puneesh, Advocates

versus

J K VARMA & ANR.

.....Respondent

Through: Nemo

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CRL.REV.P. 724/2014

DHRUV VARMA & ANR.

.....Petitioners

Through: Dr. Amit George, Mr. Amol
Acharya and Mr. Kartikay
Puneesh, Advocates

versus

J K VARMA & ANR.

.....Respondents

Through: Nemo

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CRL.REV.P. 725/2014

DHRUV VARMA & ANR.

.....Petitioners

Through: Dr. Amit George, Mr. Amol
Acharya and Mr. Kartikay
Puneesh, Advocates



2026:DHC:2622



versus

J K VARMA & ANR.

.....Respondents

Through: Nemo

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J****CRL.M.(BAIL) 540/2026 in CRL.REV.P. 723/2014****CRL.M.(BAIL) 546/2026 in CRL.REV.P. 724/2014****CRL.M.A. 7986/2026 in CRL.REV.P. 725/2014**

1. By way of the present applications preferred under Section 389 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') / Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') read with Section 482 of the Cr.P.C. / Section 528 of the BNSS, the applicant seeks suspension of the order on sentence dated 31.10.2012 passed by the learned Trial Court, which was upheld by this Court, for a further period of 60 days, in order to enable him to avail his remedy of filing a Special Leave Petition ('SLP') before the Hon'ble Supreme Court.

2. The learned counsel appearing for the applicant submits that the applicant/petitioner no. 1 was convicted in three connected complaints, being CC Nos. 669/1/2007, 670/1/2007 and 671/1/2007, for offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') which were decided together by the learned Trial Court *vide* common judgment dated 11.10.2012. It is submitted that the learned Trial Court, *vide* order on sentence dated 31.10.2012, had



2026:DHC:2622



directed the applicant to undergo simple imprisonment for one year and to pay compensation of ₹50,00,000/- in respect of each complaint within 30 days, failing which he was to undergo further simple imprisonment for three months. It is further submitted that the applicant had then preferred appeals, being Criminal Appeal Nos. 18, 19 and 20, before the learned Appellate Court, which were dismissed *vide* judgment dated 30.09.2014, upholding the conviction. However, the order on sentence was modified, and the applicant was directed to pay a consolidated compensation of ₹1,00,00,000/- to the complainant within two months, failing which he was to undergo simple imprisonment for one year.

3. The learned counsel further submits that the aforesaid judgment dated 30.09.2014 was challenged before this Court by way of the above-captioned Criminal Revision Petitions being Crl. Rev. P. 723/2014, 724/2014 and 725/2014, which were dismissed by this Court *vide* judgment dated 27.02.2026. It is submitted that while upholding the conviction, this Court set aside the modified order on sentence passed by the learned Appellate Court and restored the original order on sentence dated 31.10.2012 passed by the learned Trial Court. It is submitted that the operation of the order on sentence dated 31.10.2012 stands suspended for a period of 30 days from the date of judgment dated 27.02.2026, i.e., till 28.03.2026, since the order dated 31.10.2012 was restored by this Court and in the said order, the learned Trial Court had suspended the sentence for one month. The present application has been filed seeking extension of the said suspension.



2026:DHC:2622



4. The learned counsel submits that the applicant intends to file an SLP before the Hon'ble Supreme Court challenging the judgment dated 27.02.2026, and that a limitation period of 90 days is available for the said purpose. It is stated that the applicant is in the process of preparing and filing the said petition. It is argued that the applicant seeks extension of suspension of sentence for a further period of 60 days, i.e., till 27.05.2026, which coincides with the expiry of the limitation period for filing the Special Leave Petition. In this regard, it is also submitted that immediately after the passing of the judgment dated 27.02.2026, the Hon'ble Supreme Court was not functioning at full strength between 02.03.2026 and 08.03.2026 on account of vacations. It is further submitted that the Hon'ble Supreme Court is scheduled to remain closed on 26.03.2026 and 27.03.2026, which has caused some difficulty in expeditious filing of the Special Leave Petition.

5. The learned counsel also submits that the applicant has already undergone incarceration for a period of one year in the present case. It is argued that the maximum remaining sentence that can now be imposed is three months, being the default sentence in case of non-payment of compensation. It is, therefore, submitted that the applicant has already undergone a substantial part of the sentence. It is further submitted that the nominal roll, placed on record, confirms the period of incarceration already undergone.

6. This Court has **heard** submissions made on behalf of the applicant and has perused the case file.



2026:DHC:2622



7. In the present case, this Court had disposed of the three above-captioned revision petitions *vide* judgment dated 27.02.2026, whereby the conviction of the applicant herein was upheld. However, in respect of the order on sentence, it was held as under:

“32. Insofar as the order on sentence is concerned, this Court is of the considered view that the learned Trial Court had taken a correct and balanced approach by imposing a fine of ₹50,00,000/- in each case (against the cheque amount of ₹35,00,000/- in each case) to be paid by accused no.2 / petitioner no.1 herein, and a fine of ₹1,00,000/- to be paid by accused no.5 / petitioner no.2 herein, as compensation to the respondent-complainant. The impugned appellate judgment does not disclose any cogent reasons for modifying the said sentence and imposing a consolidated fine of ₹1,00,00,000/- in each case, payable by accused no.2, and ₹25,00,000/- each payable by accused nos.1 and 5. Accordingly, the impugned judgment is set aside to the extent it relates to the order on sentence, and the order on sentence dated 31.10.2012 passed by the learned Trial Court is restored.”

8. The relevant extract of the order on sentence dated 31.10.2012 passed by the learned Trial Court, as restored by this Court, *qua* the applicant herein, is set out below:

“...(b) Convict No.2 namely Dhruv Varma is directed to undergo simple imprisonment for 1 year. He is further directed to pay compensation to the tune of Rs. 50 lacs to the complainant within one month from today, failing which he will undergo a further simple imprisonment for 3 months...”

9. However, in the judgment dated 27.02.2026, no direction was issued by this Court regarding keeping the order on sentence in abeyance or suspending the sentence to enable the applicant to prefer an SLP.



2026:DHC:2622



10. Considering that the complaint case pertains to the year 2007, the revision petitions remained pending before this Court since 2014, i.e., for about 12 years, and further taking into account that the applicant has already undergone incarceration in relation to the present case for a substantial period of time and intends to file an SLP before the Hon'ble Supreme Court challenging the judgment dated 27.02.2026 passed by this Court, this Court is inclined to suspend the operation of the order on sentence dated 31.10.2012 till 28.04.2026, whereafter the applicant shall be liable to serve the remaining sentence, in accordance with law.

11. In above terms, the present applications are disposed of.

12. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 27, 2026/A

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