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

\+ CRL.A. 899/2017

PRAMOD KUMAR GUPTA .....Appellant

Through: Mr. Shivam Goel, Mr. Jatin Dua, Ms. Ramya S. Goel and Ms. Sanya Sharma, Advocates.

versus

TARA CHAN GUPTA .....Respondent

Through: Mr. Pritish Sabharwal, Mr. Sandeep, Mr. Surbhit Nandan and Mr. Ayush Vardhan, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **28.04.2026**

1. The captioned appeal was filed, challenging judgement dated 30th August, 2016, passed by the Metropolitan Magistrate (NI Act) South-East District, Saket Courts Complex in CC No. 2012/2016, whereby the complaint filed by the Appellant under Section 138 of the Negotiable Instruments Act, 1881[1] had been dismissed, and the Respondent had been acquitted for the offence under Section 138 NI Act. By judgment dated 11th March, 2025, this Court set aside the impugned acquittal order and convicted the Respondent for the offence punishable under Section 138 of the NI Act.

2. The Respondent thereafter preferred Special Leave to Appeal (Crl.) No. 5022/2025 before the Supreme Court, which came to be dismissed on 24th February, 2026.

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[1] "NI Act"

3. The matter is now listed for determination of sentence. It is well settled that the sentence imposed must be proportionate to the nature and gravity of the offence, while also taking into account any mitigating or extenuating circumstances placed on record.

4. At the stage of sentencing, and prior to the passing of any order in that regard, the Respondent expressed willingness to settle the dispute with the Complainant. In furtherance thereof, the Respondent offered to pay the dishonoured cheque amount of ₹21,00,000/-, along with an additional sum of ₹1,00,000/- towards full and final settlement. In furtherance thereof, demand drafts aggregating to ₹21,00,000/- were handed over to the Complainant on 13th April, 2026, copies whereof have been placed on record. Additionally, a sum of ₹1,00,000/- has been paid in cash to the Complainant today, the receipt whereof has been duly acknowledged. In view of the aforesaid, the Complainant has stated that he is agreeable to the said arrangement and is willing to settle the matter on these terms.

5. In view of the aforesaid circumstances, and having regard to the *bona fide* conduct exhibited by the Respondent in making good the amount involved, this Court is of the opinion that the ends of justice would be met by imposing a sentence of fine. Accordingly, the Respondent is sentenced to pay a fine of ₹22,20,000/-, out of which ₹22,00,000/- shall be released to the Complainant as compensation, and ₹20,000/- shall be deposited with the Delhi Legal Services Authority. In default of payment of the aforesaid fine, the Respondent shall undergo simple imprisonment for a period of three months.

6. Proof of deposit of costs be furnished to the concerned Investigating Officer within a period of four weeks from today.

7. In view of the foregoing, the appeal is disposed of, along with all pending applications.

8. Copy of the order be communicated to the concerned Trial Court and Investigating Officer, for necessary information and compliance.

SANJEEV NARULA, J

APRIL 28, 2026/*nk*