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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 05.10.2026**# **CNR No. DLHC010057382024**+ **CRL.M.C. 1142/2024, CrI.M.A.4516/2024 & CrI.M.A.35723/2025**

(21) ANIL KUMARPetitioner

Through: Ms. Nikita Sharma, Adv.

versus

STATE GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
along with Mr. Mayank Chaudhary,
Ms. Shivi Chikara, Adv.
Mr. Hamid, Adv. for complainant/
Mr. Raman Dass.# **CNR No. DLHC010133372024**+ **CRL.M.C. 2138/2024, CrI.M.A.8294/2024**

(22) ANIL KUMARPetitioner

Through: Ms. Nikita Sharma, Adv.

versus

STATE & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
along with Mr. Mayank Chaudhary,
Ms. Shivi Chikara, Adv.# **CNR No. DLHC010269402025**+ **CRL.REV.P.(NI) 117/2025, CrI.M.A.9912/2026**

(23) ANIL KUMARPetitioner

Through: Ms. Nikita Sharma, Adv.

versus

CRL.M.C. 1142/2024 & connected matters**Page 1 of 6**

Signature Not Verified

Digitally Signed By: ROHIT
KUMAR PATEL
Signing Date: 08.10.2026
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THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
along with Mr. Mayank Chaudhary,
Ms. Shivi Chikara, Advs.
Mr. Hamid, Adv. for complainant/
Mr. Raman Dass.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (Oral.)

1. These are three proceedings arising out of the same prosecution for dishonour of a cheque of Rs.11 Lakhs under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act'), being CC No. 5674/2020 titled 'Raman Dass v. Anil Kumar'. By judgment dated 27.06.2023, the learned MM-05 (NI Act), Rouse Avenue Courts, New Delhi convicted the petitioner for the offence under Section 138 of the NI Act. By order on sentence dated 05.07.2023, the petitioner was sentenced to simple imprisonment for six months and directed to pay compensation of Rs.15 Lakhs to the complainant / respondent no.2 herein under Section 357(3) of the Code of Criminal Procedure, 1973 ('CrPC'), and in default of payment, to undergo further simple imprisonment for one month.

2. CRL.M.C. 1142/2024 assails the order dated 27.01.2024 passed by the learned Appellate Court, whereby the suspension of sentence granted to the petitioner by order dated 18.08.2023 was revoked on account of his failure to deposit 20% of the compensation amount. By order dated 13.02.2024, this Court stayed the operation of the said order to the extent that it revoked the suspension of sentence, subject to the petitioner depositing 20% of the compensation amount with the Registrar General of

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this Court. In compliance thereof, the petitioner deposited Rs.3 Lakhs, which has been kept in an FDR by the Registry.

3. CRL.M.C. 2138/2024 assails the order dated 18.08.2023 passed by the learned Appellate Court, to the extent that it made the suspension of sentence pending the appeal subject to the condition of depositing 20% of the compensation amount.

4. CRL.REV.P.(NI) 117/2025 challenges the judgment dated 31.01.2025 passed by the learned Appellate Court in CA No. 238/2023, and also seeks the setting aside of the judgment of conviction and the order on sentence passed by the learned Trial Court.

5. By judgment dated 31.01.2025, the learned Appellate Court, while upholding the conviction of the petitioner, set aside the sentence of simple imprisonment for six months and instead directed the petitioner to pay a total fine of Rs.15 Lakhs as compensation under Section 357(3) of the CrPC to the complainant before the learned Trial Court, failing which the petitioner is to undergo simple imprisonment for three months. The appeal has thus concluded.

6. Consequently, the questions concerning the suspension of sentence and the deposit condition during the pendency of that appeal no longer require separate adjudication. The challenge to the conviction and to the final direction to pay compensation survives in the revision and will be decided in CRL.REV.P.(NI) 117/2025.

7. Two distinct deposits have been made by the petitioner: Rs.3 Lakhs in CRL.M.C. 1142/2024 and Rs.12 Lakhs in CRL.REV.P.(NI) 117/2025. The total deposit is thus Rs.15 Lakhs, which is equal to the compensation awarded.



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8. By order dated 16.12.2025 passed in CRL.REV.P.(NI) 117/2025, the release of Rs.6 Lakhs, being 50% of the Rs.12 Lakhs deposited in the revision petition, was directed in favour of the complainant, subject to the complainant furnishing an undertaking on affidavit to refund the amount with reasonable interest in case the petitioner succeeds.

9. The said amount of Rs.6 Lakhs was thereafter withdrawn by the complainant in CRL.REV.P.(NI) 117/2025.

10. Crl.M.A.35723/2025 filed by the complainant in CRL.M.C. 1142/2024 seeks release of the deposit of Rs.3 Lakhs. Notice of the application was issued to the petitioner on 01.12.2025. By order dated 08.04.2026, two weeks were granted to the petitioner to file a reply, and by order dated 11.05.2026, a last opportunity of one week was granted, failing which it was to be assumed that the petitioner had no objection to the application. Despite these opportunities, no reply has been filed.

11. Crl.M.A.9912/2026 has been filed by the complainant in CRL.REV.P.(NI) 117/2025 seeking urgent hearing of the revision petition and/or release of the balance amount of Rs.6 Lakhs along with interest. By order dated 08.05.2026, the said application was treated as one for release of the balance amount; learned counsel for the petitioner accepted notice and was granted four weeks to file a reply. No reply has been filed to this application either.

12. The conviction of the petitioner has been upheld by the learned Appellate Court, and the direction to pay compensation presently subsists, though the sentence stands suspended by order dated 12.08.2025, subject to the outcome of the pending revision, CRL.REV.P.(NI) 117/2025.

13. The complainant herein seeks release of the amounts already

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deposited.

14. The petitioner has been afforded sufficient opportunity to respond to the requests for release, but has not done so.

15. Continued retention of the entire remaining deposit would postpone the benefit of the compensation awarded, whereas the petitioner's interests can be protected by making the release provisional and requiring restitution in the event the revision succeeds, on the lines of the order dated 16.12.2025.

16. In the circumstances, the following directions are issued:

(i) The Registry shall release to the complainant the amount of Rs.3 Lakhs deposited in CRL.M.C.1142/2024.

(ii) The available balance of Rs.6 Lakhs out of the Rs.12 Lakhs deposited in CRL.REV.P.(NI) 117/2025 (together with interest) shall be released to the complainant.

The same shall be subject to the complainant furnishing an undertaking on affidavit to refund the amount, as may be directed by this Court, if the revision succeeds or in the event of restitution being otherwise ordered.

17. Before making payment, the Registry shall prepare a consolidated statement of the two deposits, the accrued interest, and every previous disbursement.

18. CrI.M.A.9912/2026 filed in CRL.REV.P.(NI) 117/2025 and CrI.M.A.35723/2025 filed in CRL.M.C. 1142/2024 stand disposed of in terms of the aforesaid directions.

19. CRL.M.C. 1142/2024 and CRL.M.C. 2138/2024, along with the pending applications, are disposed of as infructuous in view of the

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conclusion of the criminal appeal.

20. CRL.REV.P.(NI) 117/2025 shall remain pending.

CRL.REV.P.(NI) 117/2025

21. List for final hearing on 16.02.2027.

SACHIN DATTA, J

OCTOBER 5, 2026/cl,sd