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

% **Date of Decision: 09<sup>th</sup> April, 2026**

+ CRL.M.C. 142/2023&CRL.M.A. 592/2023

SH RAMAN GAMBHIR .....Petitioner

Through: Ms. Swadha Gupta with Mr. Abhishek  
Ranjan, Advocates along with  
petitioner.

versus

STATE OF NCT OF DELHI & ANR. ....Respondent

Through: Mr. Raj Kumar, APP.  
Mr. Yash Singhal, Advocate for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Applicant herein was held guilty for committing offence under *Section 138 of Negotiable instruments Act, 1881*. There were two more accused i.e. his father and *M/s Kesar Communications (P) Ltd.* (the Company) and they, too, were convicted.
2. Learned Trial Court sentenced the applicant and his father to the imprisonment till rising of the Court and burdened all three accused with fine of Rs. 2,50,000/- each.
3. The abovesaid order was challenged by convicts. Separate appeal was filed by complainant on the point of inadequacy of sentence. Both the appeals were disposed of by common judgment dated 09.05.2019. Though, the conviction was upheld, the fine amount was enhanced to Rs. 5,00,000/-, besides interest @ 6% per annum.
4. The abovesaid order was not, further, assailed by either of the sides and, when the fine amount was not paid, the learned Trial Court took up the matter and has issued coercive process. It is in the abovesaid backdrop that the petitioner has filed the present petition.



5. When the present matter was taken up on 10.01.2023, the *non-bailable warrants* issued pursuant to order dated 22.10.2022 against the applicant herein, were directed to be stayed.
6. It is also noticed that there was a direction to the petitioner to deposit the entire sum of Rs. 5,00,000/- i.e. fine imposed upon him, and such amount has already been deposited and, thereafter, even released to the respondent.
7. Learned counsel for respondent also does not dispute the abovesaid fact. He submits that the father of applicant has already expired and the learned Trial Court is already seized with the issue of realization of fine from other convicts.
8. Learned counsel for petitioner submits that fine amount of Rs.5 lacs has already been paid by the petitioner and only the interest component of Rs. 2,80,957/- is unpaid. This amount, according to her, is till the date when Rs. 5,00,000/- was deposited with the Registry of the Court.
9. Learned counsel for respondent, without prejudice to his rights, submits that if the abovesaid amount of Rs. 2,80,957/- is deposited by petitioner within reasonable time, he would have no objection if the order of recalling of coercive process is made absolute. He, however, submits that he has not done any calculation himself with respect to the interest component but, trusting the calculation made by the learned counsel for the petitioner, he would have no objection if reasonable time is granted to them.
10. Petitioner is present in person and during the course of the arguments, he submitted that the abovesaid amount would be paid/deposited on or before 01.07.2026.
11. Learned counsel for respondent submits that he would have '*no objection*' if the time is, accordingly, granted to him.



12. The statement of the petitioner is taken on record and it is made clear to him that his statement is taken on record “*as an undertaking to the Court*” and if there is any delay or violation, he would invite action under *Contempt of Courts Act, 1971*. After understanding and comprehending the same appropriately, and after having consulted his counsel, he states that there would not be any delay or default, and he would deposit the abovesaid amount with the Registry of this Court on or before 01.07.2026.

13. In view of the above, the present petition is disposed of while taking the abovesaid undertaking on record and the coercive process issued against him stands recalled.

14. The abovesaid amount, as and when deposited, be released to respondent No.2-Amit Rastogi forthwith.

15. Needless to say, in case, there is any non-compliance of the abovesaid order and undertaking, and if the amount is not deposited, the Registry would place the matter before this Court, for passing appropriate order.

16. Learned Trial Court would, however, be at liberty to pursue the case further for the purposes of realization of the fine amount from the other two convicts, in accordance with law.

17. Petition stands disposed of in aforesaid terms.

18. Pending application also stands disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**APRIL 9, 2026/sw/pb**