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2026:DHC:10483

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

% *Date of Decision: 26.11.2026*

\# **CNR No. DLHC010563512026**

\+ **CRL.M.C. 8696/2026, CRL.M.A. 36647/2026, 36648/2026 & 36646/2026**

RAJESH KHANNA .....Petitioner

Through: Mr. Vaibhav Dubey and Mr. Priyanshu Maheshwari, Advocates.

versus

OLAM AGRO INDIA LTD .....Respondent

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioner/convict has assailed order dated 24.09.2026 of the learned Court of Sessions whereby, after detailed discussion, the request of the petitioner for exemption from depositing 20% of compensation amount under Section 148 Negotiable Instruments Act was declined.

2. Having heard learned counsel for petitioner/convict, I do not find the petition worth even issuance of notice.

3. Broadly speaking, the relevant circumstances are as follows. The petitioner was convicted for offence under Section 138 Negotiable Instruments Act by way of judgment dated 12.12.2023 in the complaint case filed way back in the year 2011. The petitioner preferred appeal before the

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Court of Sessions and by way of order dated 07.03.2024, the learned appellate court directed the petitioner to deposit 20% of fine or compensation awarded by the trial magistrate within 60 days of that order. The said order dated 07.03.2024 was assailed by the petitioner by way of petition under Section 482 CrPC, which petition was disposed of by a coordinate bench of this court on 21.10.2024, setting aside the said directions and granting opportunity to the petitioner to submit about his exceptional circumstances before the appellate court for reconsideration as regards deposit of 20% of compensation, as had been directed. The petitioner accordingly appeared before the appellate court and addressed arguments, submitting the exceptional circumstances on the basis whereof he claimed exemption from deposit of 20% of the compensation amount. By way of order impugned in the present case, the learned appellate court declined the request for exemption after dealing with each of the contentions of the petitioner.

4. As reflected from the impugned order, in order to establish exceptional circumstances to claim exemption from deposit of 20% of compensation amount, the petitioner submitted that he is senior citizen suffering with diabetes, blood pressure and high uric acid; that he is unemployed since 2018; that he had resigned from directorship of the concerned company on 18.11.2009 while the cheque in question was issued in the year 2011. The learned appellate court discussed each of those grounds and took a view that none of these is exceptional circumstance, calling for exemption from deposit of 20% of the compensation amount.

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5. Today it is contended by learned counsel for petitioner that since the petitioner had resigned from the company much prior to issuance of the cheque in question, he cannot be fastened with any liability. That in itself, according to learned counsel is an exceptional circumstance, which entitles the petitioner exemption from depositing the 20% of compensation. The remaining grounds as claimed before the appellate court to be exceptional circumstances have not been raised before this court.

6. As regards the date of resignation, admittedly the cheque in question was signed by the petitioner, though naming himself as authorised signatory. It is nobody's case that the petitioner was never a director in the concerned company. The case set up by the petitioner is that he had resigned from directorship in the year 2009. This is a matter of fact to be examined during trial.

7. In view of the aforesaid, I have examined the trial court judgment dated 12.12.2023 whereby the petitioner had been convicted. As reflected from the same, the petitioner failed to prove the Form-32 in accordance with law. Rather, learned counsel for petitioner did not even cross-examine the complainant and also did not adduce any other evidence on this aspect. To reiterate, the petitioner has not disputed that the cheque in question was signed by him and has not proved in any manner that he had resigned from directorship of the concerned company before the accrual of cause of action and completion of the alleged offence.

8. Further, in response to the notice of accusation or even in his

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statement under Section 313 CrPC before the trial court the petitioner never took a plea of his having not been director of the concerned company. The plea taken throughout before the trial court by the petitioner was that the cheque in question was a blank security cheque.

9. Not just this, as reflected from record, as regards the cheque in question that bounced way back in the year 2011, the complainant/respondent is till date waiting for a closure of the dispute and the petitioner has been protracting the proceedings at every possible stage. Paragraphs 5, 9 and 10 of the trial court judgment of conviction elaborately describe the manner in which the petitioner has been protracting the proceedings. The present petition is yet another effort on the part of petitioner to somehow drag the case on so as to frustrate the complainant into giving up.

10. The petition is not just completely devoid of merits but a frivolous effort to somehow protract the proceedings. Therefore, the petition is dismissed with costs of Rs.20,000/- to be deposited by petitioner online with *www.bharatkeveer.gov.in* within a period of one week from today. Accompanying applications also stand dismissed. Copy of this order be sent to the appellate court.

GIRISH KATHPALIA
(JUDGE)

NOVEMBER 26, 2026/*ry*