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

*Date of Decision: 30<sup>th</sup> June, 2015*

+ CRL.M.C. 1091/2015

BISWANATH AGGARWAL ..... Petitioner

Through: Mr. M.L. Yadav, Advocate

Versus

THE STATE & ANR. .... Respondent

Through: Ms. Nishi Jain, Additional Public  
Prosecutor for respondent-State

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT**

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**(ORAL)**

In this petition through Jail, petitioner seeks concurrence of sentence of simple imprisonment of three months and compensation of ₹4,50,000/- with default clause of one month in CC No. 685/12 under Section 138 of *The Negotiable Instruments Act, 1881*, with sentence of simple imprisonment of four months with compensation of ₹12,50,000/- with default clause of simple imprisonment of two months in CC No. 684/12 under Section 138 of *The Negotiable Instruments Act, 1881*.

At the hearing, learned counsel for petitioner submitted that by now petitioner has already undergone sentence of 6½ months and his wife is a house wife and his daughter is a student, who have no means to

survive and so, sentence awarded to petitioner be made concurrent.

Upon hearing and on perusal of the Nominal Rolls of petitioner, I find that the conduct of petitioner in jail has been satisfactory and he is not involved in any other criminal case. Petitioner had taken loan for purchase of a truck and had defaulted in payment of installments. The reason why petitioner had defaulted in paying the installments is not forthcoming, therefore, this Court is not inclined to invoke its extraordinary inherent jurisdiction under Section 482 of the Cr.P.C. to make the sentences awarded to petitioner in these two cases under Section 138 of *The Negotiable Instruments Act, 1881* concurrent.

Consequently, this petition is dismissed.

Petitioner be apprised of this Judgment through the concerned Jail Superintendent.

**(SUNIL GAUR)**  
**JUDGE**

**JUNE 30, 2015**

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