

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7595/2026

[Arising out of impugned judgment and order dated 27-02-2026 in CRLREVP No. 723/2014 passed by the High Court of Delhi at New Delhi]

DHRUV VARMA & ANR.

Petitioner(s)

VERSUS

J K VARMA

Respondent(s)

(IA No. 127706/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 127709/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :

Mr. Vipin Sanghi, Sr. Adv.
Mr. Amol Acharya, Adv.
Mr. Sidharth Pushya, Adv.
Ms. Srija Choudhury, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. Vipin Sanghi, learned senior counsel appearing for the petitioners.
2. Before the Trial Court, Accused No.1 (A1) was M/s Vasu Tech Limited; Accused No.2 (A2) was Petitioner No.1 herein-Dhruv Varma, Director of M/s Vasu Tech Limited and coparcener of Ratan Lal Varma & Sons (HUF); Accused

No.3 (A3) was R.L. Varma, Director/Karta of the HUF; Accused No.4 (A4) was Aruna Varma, Director of M/s Vasu Tech Limited; and Accused No.5 (A5)/Petitioner No.2 herein was Ratan Lal Varma & Sons (HUF).

3. Only Accused No.2/Petitioner No.1, Dhruv Varma, and Accused No.5/Petitioner No.2, Ratan Lal Varma & Sons (HUF) are before this court .

4. Learned senior counsel makes a two fold submission.

5. The first submission is that the presumption under Section 139 of the Negotiable Instruments Act, 1881 was duly rebutted. We refuse to accept the submission.

6. We have carefully perused the record.

7. We drew the specific attention of the learned senior counsel to the findings recorded by the High Court, including the admission in the cross-examination of petitioner no.1 herein regarding the transactions in question. In any event, there are concurrent findings of three Courts insofar as the existence of debt or other liability is concerned. We, therefore, maintain the conviction of the petitioner.

8. However, the second submission of the learned senior counsel that paragraph 32 of the impugned judgment of the High Court is erroneous deserves acceptance.

9. The Trial Court, after convicting the petitioners, directed petitioner no.1/Dhruv Varma to pay compensation of Rs.50,00,000/- in each of the three complaint cases, aggregating to Rs.1,50,00,000/-. The Trial Court had also

imposed fine upon the remaining accused persons. Paragraph 5 of the order on sentence dated 31.10.2012 passed by the Trial Court reads as under:

“(a) Convict No.1 is directed to deposit a fine of Rs.5000/- in the court.

(b) Convict No.2 namely Dhruv Varma is directed to undergo simple imprisonment for 1 year. He is further directed to pay compensation to the tune of Rs.50 lacs to the complainant within one month from today, failing which he will undergo a further simple imprisonment for 3 months.

(c) Convict No.5 namely Rattan Lal Varma HUF is burdened with a fine of Rs.1 lacs which shall be payable as compensation to the complainant within one month from today. It is to clarify that this amount shall be paid by the convict no.2 Dhruv Varma on the behalf of the convict no.5 because proceedings against convict no.5 have been held through the convict no.2 Dhruv Varma.

Fine of Rs. 5000/- deposited in cash in the court by convict no.1”

10. The petitioners preferred appeals against conviction and sentence before the Appellate Court. The Appellate Court maintained the conviction but modified the order on sentence by directing petitioner no.1 (A2)/Dhruv Varma to pay a consolidated compensation of ₹1 crore in all the three complaint cases and further directed M/s Vasu Tech Limited (A1) and Ratan Lal Varma & Sons (HUF) (A5) to pay ₹25 lakhs each to the complainant. Thus, while the aggregate compensation amount remained unchanged, the individual liability of Petitioner No. 1 (A2)/Dhruv Varma stood reduced from ₹1.5 crores to ₹1 crore, with the

remaining ₹50 lakhs being apportioned equally between A1, namely M/s Vasu Tech Limited, and Petitioner No.2 (A5), namely Ratan Lal Varma & Sons (HUF). Paragraph 12 of the judgment dated 30.09.2014 passed by the Appellate Court reads as under:

“12. ...However, appellant Dhruv Varma is sentenced to pay Rs.1 crore (one crore) to the respondent/complainant as compensation within two months from the date of this judgment/order and in default of payment compensation he shall undergo one year simple imprisonment. Other appellants namely M/s Vasu Tech Limited, and Ratan Lal Varma & Sons (HUF) are also sentenced to pay Rs.25,00,000/- (twenty five lacs) by each appellant to the respondent/complainant. ...”

11. The matter was thereafter carried further before the High Court in revision only by petitioner no.1 (A2)/Dhruv Varma and petitioner no.2 (A5)/Ratan Lal Varma & Sons (HUF). From the record, it emerges that M/s Vasu Tech Limited (A1) neither preferred any revision before the High Court nor is before this Court in the present proceedings.

12. There was no appeal or revision preferred by the complainant seeking enhancement of the sentence imposed by the Trial Court. This is the reason why we have thought it unnecessary to issue notice to the complainant. It will also save them costs. However, we reserve liberty to the complainant to file a Miscellaneous Petition, in case they desire to present any point of view on the aspect of sentence.

13. However, the High Court, vide paragraph 32 of the impugned judgment, restored the order on sentence passed by the Trial Court. Paragraph 32 of the impugned judgment reads as under:

“32. Insofar as the order on sentence is concerned, this Court is of the considered view that the learned Trial Court had taken a correct and balanced approach by imposing a fine of Rs.50,00,000/- in each case (against the cheque amount of Rs.35,00,000/- in each case) to be paid by accused no.2/petitioner no.1 herein and a fine of Rs.1,00,000/- to be paid by accused no.5/petitioner no.2 herein as compensation to the respondent-complainant. The impugned appellate judgment does not disclose any cogent reasons for modifying the said sentence and imposing a consolidated fine of Rs.1,00,00,000/- in each case, payable by accused no.2, and Rs.25,00,000/- each payable by accused nos.1 and 5. Accordingly, the impugned judgment is set aside to the extent it relates to the order on sentence and the order on sentence dated 31.10.2012 passed by the learned Trial Court is restored.”

14. In our considered view, in the absence of any challenge by the complainant seeking enhancement of sentence, the High Court, while exercising revisional jurisdiction at the instance of the accused, could not have placed the petitioners in a worse position than under the appellate judgment. The restoration of the Trial Court sentence, therefore, cannot be sustained.

15. Accordingly, while not interfering with the conviction, we dispose of the present petitions by setting aside paragraph 32 of the impugned judgment and

restoring the order on sentence passed by the Appellate Court. The net result is that the conviction shall be maintained and the compensation and sentence shall be governed by the order of the Appellate Court.

16. At this stage, learned senior counsel requests for extension of time to deposit the amounts as ordered by the Appellate Court at paragraph 12. The Appellate Court by its judgment dated 30.09.2014 had granted two months' time to the accused concern. Since the matter was pending before the High Court in Revision Petition and before this Court in the present petition, the amounts have not been deposited by the petitioners.

17. We grant time till 31.07.2026 to the accused concerned to deposit the said amounts.

18. Learned senior counsel further submits that there are two other Special Leave Petitions arising out of the remaining Revision Petitions before the High Court. It is further submitted that the said Special Leave Petitions are presently lying under defects. Learned senior counsel submits that since a common order has been passed by the High Court, the present order may govern the disposal of those petitions as well.

19. Accordingly, SLP (Criminal) Diary No.25469 of 2026 (arising out of Criminal Revision Petition No.724 of 2014) and SLP (Criminal) Diary No.25451 of 2026 (arising out of Criminal Revision Petition No.725 of 2014) are taken on Board.

20. The Special Leave Petitions are disposed of in the above terms.
21. Pending applications, if any, shall also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(MANOJ KUMAR)
COURT MASTER