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

Judgment delivered on: 29th January, 2016

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Crl. M.C. No.384/2016

RAUJEEV TANEJA

..... Petitioner

Represented by: Ms.Anju Jain and Mr.Hitesh
Sachar, Advocates.

Versus

NCT OF DELHI & ORS.

..... Respondents

Represented by: Mr.Panna Lal Sharma,
Additional Public Prosecutor
for the State.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A. No.1630/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

Crl. M.C. No.384/2016

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks directions thereby to quash the order dated 17.11.2015 passed by the learned Metropolitan Magistrate, South East, Saket, New Delhi, in CC No.3071/15, whereby notice under Section 251 Cr.P.C. was framed against the

petitioner and the consequential proceedings emanating therefrom against him.

2. The present petition has been filed on the ground that the petitioner is not the signatory of the cheques in question and to this effect he had challenged the summoning order dated 05.07.2012 before this Court in CrI.M.C.No.4733/2013. The same was disposed of vide order dated 11.11.2013 with liberty to the petitioner to raise all the issues as raised in the said petition before the learned Trial Court at the time of framing notice under Section 251 Cr.P.C.

3. Accordingly, during the arguments before the learned Trial Court, counsel for the petitioner has taken the stand that the petitioner is not signatory of the cheques in question. On this plea, the learned Trial Court held that this is not the stage to verify each and every plea and the said fact can only be ascertained during the trial.

4. Needless to say that at the time of framing of notice, the court has to see *prima facie* the averments made in the complaint and the supporting material, however, in the instant petition, the petitioner raised the issue that he is not the signatory of the cheques in question whereas in the complaint it is averred that the petitioner is also one of the signatory.

5. In view of the above noted controversy and without commenting upon the merits of the case, though I am not inclined to interfere with the impugned order and the ongoing trial, except that if at the subsequent stage after examination of the complainant witnesses or defence evidence, it is established that the petitioner is

not the signatory of the cheques in question and the complainant still insists that the signatures are of the petitioner, then the petitioner may move an appropriate application seeking permission to send the disputed signatures for scientific examination through FSL before the learned Trial Court, who shall decide the same in accordance with law.

6. In view of the above observations, the present petition is disposed of.

Crl.M.A. No.1629/2016 (for stay)

With the disposal of the petition itself, the instant application has become *infructuous*. The same is dismissed accordingly.

**SURESH KAIT
(JUDGE)**

JANUARY 29, 2016
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