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

+ CRL.M.C. 3845/2014

DHARMINDER GAMBHIR Petitioner

Represented by: Mr.Sumit Gaba, Advocate

versus

RAVINDER SINGH Respondent

Represented by: Ms.Jyoti, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

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08.09.2016

1. In proceedings under Section 138 of the NI Act the accused cannot request the Court to send the cheque for forensic evaluation on the strength of which the complaint has been made. It is for the accused to cite an expert witness if he desires. I further note that the application filed under Section 315 Cr.P.C. was never pressed when defence evidence was closed on October 28, 2013. At the stage of final arguments all and sundry applications were being filed or pressed.

2. Proceedings under Section 138 of the NI Act are intended to be a speedy remedy. The only issue to be decided qua the complainant is whether the cheque was issued by the accused and was returned dishonoured on account of insufficiency of funds and in spite of notice sent payment was not made good. The defence has thereafter to be seen in light of the evidence led in defence.

3. Being satisfied that the petitioner who has issued the cheque is unnecessarily dragging on the proceedings I dismiss the instant petition noting that the learned Metropolitan Magistrate has given good reasons in the two orders which have been challenged. I find good reasons given in the revisional order passed by the learned ASJ-5 North District Delhi.

4. The petition is dismissed.

CrI.M.A.No.13179/2014

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

SEPTEMBER 08, 2016

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