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

DECIDED ON : 15th DECEMBER, 2016

+ **CRL.M.C. 1968/2016 & CRL.M.A.No.8331/16**

ANIL KUMAR BAKSHI Petitioner

Through : Petitioner in person.

versus

SATVIR AND ANR Respondents

Through : Ms.Manjeet Arya, APP for R2.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present petition under Section 482 Cr.P.C. has been filed by the petitioner to challenge the legality and correctness of an order dated 04.05.2016 of learned Metropolitan Magistrate whereby application under Section 145(2) of Negotiable Instruments Act moved by the respondent No.1 was allowed and the case was treated as summons trial case. The petition was initially contested by the respondent No.1 and reply to it was filed. Subsequently, none appeared on behalf of the respondent No.1.

2. I have heard the petitioner and have examined the file. The respondent No.1 is facing trial under Section 138 Negotiable Instruments Act. Application under Section 145(2) Negotiable Instruments Act was moved by the respondent No.1 to summon the petitioner for cross-examination. The respondent No.1 categorically took the defence that the

cheque in question was not issued for any consideration. He elaborated that the cheque in question was issued in favour of the complainant as 'security' because two cheques No.359009 dated 25.03.2014 for ₹25,000/- and No.358108 dated 19.02.2014 for ₹10,000/- issued by the State Bank of India, COD, Delhi Cantt. Branch, New Delhi in his name by the opposite party in M.A.No.458/2013 in O.A.No. 141/2011 in terms of orders passed by Armed Forces Tribunal, Principal Bench at New Delhi, in case title '*Hav.(Retd.) Stvir Singh vs. UOI & Ors.*' as cost, were handed over to the complainant representing him. The complainant asked him to give the amount equivalent to the said two cheques.

3. In response to the reply, these facts have not been specifically controverted by the petitioner.

4. The impugned order based upon fair appreciation of the facts warrants no intervention. The learned Metropolitan Magistrate has given cogent reasons to treat the case as summons trial case.

5. The petition lacks merits and is dismissed. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

DECEMBER 15, 2016 / tr