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

+ CRL.M.C. 4891/2017

INDEEP KOHLI

..... Petitioner

Through Ms. Sangeeta Batra, Adv

versus

JOGENDRA SINGH BAGGA

..... Respondent

Through

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**24.11.2017**

By this petition petitioner has assailed the order dated 24<sup>th</sup> August, 2017; whereby an application of the petitioner for summoning the witnesses has been dismissed. Learned trial court has held that the witnesses were not material to prove the defence of the petitioner.

During the course of hearing, it emerges that respondent has filed a complaint case under Section 138 of Negotiable Instruments Act against the petitioner, which is pending trial. The defence taken by the respondent, as per the learned counsel is that the cheque was a security cheque, and was taken by the petitioner fraudulently.

The petitioner, by way of the application filed before the trial court, had prayed for summoning the persons against whom respondent had filed criminal complaints under Section 138 of Negotiable Instruments Act in respect of separate transaction.

Admittedly said persons are, in no way connected to the present transaction. Accordingly, testimony of such persons, obviously, is not material to prove the defence of the petitioner in this case, more so when the signatures on the cheques have not been disputed.

Petitioner is dismissed with a costs of ₹10,000/-.

**A.K. PATHAK, J**

**NOVEMBER 24, 2017**

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