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

+ **CRL.L.P. 355/2018**

KARAM SINGH

..... Petitioner

Represented by: Mr.Farooque Raza and
Mr.B.N.Lohia, Advocates

versus

VINITA PAL

..... Respondent

Represented by: None

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **23.05.2018**

Crl.M.A.No.9985/2018

For the reasons stated in the application, delay of 30 days in re-filing the petition is condoned.

Application is disposed of.

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1. By this petition, the petitioner seeks leave to appeal against the judgment dated 16th January, 2018 whereby his complaint being CC No.4990292/2016 under Section 138 of the Negotiable Instruments Act titled as Karam Singh Vs. Smt.Vinita Pal was dismissed and respondent was acquitted.

2. Case of the petitioner in the complaint was that the respondent approached the complainant in August, 2013 for monetary help and was

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duly supported by the complainant from time to time advancing a friendly loan of ₹11,30,000/-. In discharge of her part liability, the respondent issued a cheque bearing No.293491 dated 22nd May, 2014 for a sum of ₹6,30,000/- drawn on State Bank of India, CRPF Campus, Jharoda Kalan, New Delhi. When the cheque was presented for encashment, the same was dishonoured vide the return memo of 4th August, 2014 for the reason '*it appear in different ink in words and figure and is high value amount*'.

3. The respondent in her defence stated that she did not know the petitioner and had not entered in transaction with the petitioner. Further she had lodged a FIR at PS Baba Hari Das Nagar regarding the missing of cheque bearing No.293491.

4. The learned Trial Court acquitted the respondent on the ground that the cheque was not returned for the reasons as mentioned in Section 138 of the Negotiable Instruments Act but was returned on account of structural defects which does not fall within ambit of Section 138 of the Negotiable Instruments Act.

5. There being no illegality or perversity in the impugned judgment of the learned Trial Court, this Court finds no ground to grant leave to appeal.

6. Petition is dismissed.

MUKTA GUPTA, J.

MAY 23, 2018

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