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

+ CRL.M.C. 1986/2016 and Crl.M.A.8432/2016 (stay)

CHOICE PRECITECH INDIA PVT. LTD. & ORS..... Petitioners

Through: Mr. Gaichangpou Gangmei, Adv.
with Mr. Yashvir Kumar, Adv.

Versus

STATE OF DELHI & ANR

..... Respondents

Through: Mr.Ravi Nayak, APP for the State
Mr. Kunal Kher, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **14.08.2018**

The present petition was filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to bring a challenge to the summoning of the petitioners as accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (N.I.Act, 1881) on the criminal complaint (CC No.846/1/2015) of the second respondent, primarily on the ground that the cheques which are the subject-matter of the said complaint were issued as security.

The counsel for respondent no.2 (the complainant) submits that the petitioner had appeared before the trial court pursuant to the summons issued and were put on trial on the basis of notice under Section 251 Cr.P.C., their plea having been recorded where after the case is now at the stage of

defence evidence, no prayer having been made under Section 145 of the N.I.Act, 1881. If that be so, the petition raising essentially issues of fact ought not be considered under the jurisdiction of this court invoked under Section 482 Cr.P.C.

The petitioners have the liberty to raise all the defences during the trial, which is pending before the Metropolitan Magistrate.

The petition stands dismissed.

This disposes of pending application as well.

R.K.GAUBA, J.

AUGUST 14, 2018

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