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

+ **CRL.M.C. 3962/2017**

SHASHI JAIN

..... Petitioner

Through: Mr. S.K. Sharma, Adv.

versus

THE STATE & ORS

..... Respondents

Through: Mr. G.M. Farooqui, APP.

Mr. Rachit, Adv. with Mr. Varun
Anand, Deputy Branch Manager, CP.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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09.01.2018

Learned counsel for the petitioner submits that petitioner had stood surety for her husband-Rajesh Jain in a Complaint Case No. 386/1 titled M/s ICICI Limited Vs. Rajesh Jain. This complaint case was filed by M/s ICICI Ltd. under Section 138 of the Negotiable Instruments Act, 1881 (for short, N.I. Act) against Rajesh Jain in respect of one dishonoured cheque. The said complaint case was dismissed by the trial court vide order dated 5th August, 2010 for non-prosecution. Petitioner had shown her passport at the time of furnishing surety bond and, accordingly, endorsement was made on her passport to this effect. After dismissal of the aforesaid complaint case, petitioner filed an application for cancellation of said endorsement but the same was dismissed on the ground that no case number has been mentioned

on the endorsement made in the passport. Photocopy of the relevant folio of the passport has been annexed with this petition as Annexure P-2. Original passport has also been produced in Court and perused. In the passport, the surety amount has been specified as ₹25,000/, inasmuch as, title of the case has been mentioned as M/s ICICI Ltd. vs. Rajesh Jain. It has also been mentioned that complaint case is under Section 138 of N.I. Act. In view hereof, learned Metropolitan Magistrate ought to have ordered for cancellation of the endorsement in the passport of the petitioner. Accordingly, petition is allowed and impugned order is set aside. Trial court shall take necessary steps for cancellation of the endorsement made in the passport of the petitioner.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

JANUARY 09, 2018

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