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

+ **CRL.L.P. 85/2017**

RLF LTD.

..... Petitioner

Represented by: Mr. Shivam Goel, Mr. Surender
Gupta, Mr. Rahul Ranjan, Mr. Abhay
Kumar, Advs.

versus

STATE (NCT OF DELHI) & ORS.

..... Respondent

Represented by: Ms. Lipika Mahajan, Advs. for
R-2&3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.02.2019

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Learned counsel for the petitioner has taken this Court through Ex.RW-1/B on which the learned Trial Court heavily relied noting that the respondent has given a letter indicating that the balance fabrics like georgette etc., were with the petitioners. The said letter is dated 25th February, 2008 and the cheque in question was 2007 and thus could not have been for the liability of the year 2008. Further admittedly the cheque was not a security cheque but was given for the running account.

Learned counsel for the respondent states that in Ex.RW-1/B settlement was arrived at, however the petitioner failed to provide the balance fabric. Learned counsel for the respondent further points out that no notice was framed against respondent No.2 under Section 251 Cr.P.C. to

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which learned counsel for the petitioner replies that the respondent No.3 is the sole proprietor of respondent No.2. The respondent No.2 is thus not a legal entity.

Considering the rival contentions leave to appeal is granted against respondent No.3.

Petition is disposed of.

CRL.A. _____/2019 (Registry to number the appeal)

Admit.

List in due course.

Pending hearing of the appeal respondent No.3 will furnish a personal bond in the sum of ₹25,000/- with one surety bond of the like amount to the satisfaction of the learned Joint Registrar (Appellate) of this Court within four weeks and in case of change of residential address the same will be intimated to this Court by way of an affidavit.

MUKTA GUPTA, J.

FEBRUARY 11, 2019
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