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

+ CRL.M.C. 2772/2016 and CrI. M.A. 11820/2016

RAMA ARORA

..... Petitioner

Through: Mr. Randhir Kumar, Advocate

versus

DEEPANSHU GOEL

..... Respondent

Through: Mr. A.K. Jain and Mr. Nikhil Malhotra,
Advocates

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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17.01.2019

The petitioner is facing prosecution in the court of the Metropolitan Magistrate on the criminal complaint of the respondent alleging offences punishable under Sections 138 of the Negotiable Instruments Act, 1881. By the impugned order, the Magistrate having summoned the accused and having secured her presence after due compliance with Section 207 Cr. PC issued and served a notice under Section 251 Cr. PC commencing the trial.

The defence taken by the petitioner is that the cheque was never issued, it rather having been stolen from his possession, it not even bearing his signatures. Such contentions were repelled by the revisional court when the petitioner challenged the order putting him on notice under Section 251 Cr. PC, the criminal revision (no.28/2016) having been dismissed by the impugned order dated 07.06.2016.

The issues raised by this petition under Section 482 Cr. PC at best are issues of fact which cannot be effectively or properly addressed in the proceedings under Section 482 of the Code of Criminal Procedure, 1973. [see *Rajiv Thapar and Ors. Vs. Madan Lal Kapoor*, (2013) 3 SCC 330]

The petition and the application filed therewith are dismissed.

R.K.GAUBA, J

JANUARY 17, 2019

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