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

+ **CRL.L.P. 330/2017**

SHADAB KHAN

..... Petitioner

Represented by: Mr. Syed Hasan Isfahani, Mr. Parvez
Zaidi, Advs.

versus

RAMESH KUMAR SINHA

..... Respondent

Represented by: Mr. Rajiv Ranjan, Adv.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.02.2019

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CrI.M.A. 9020/2017

For the reasons stated in the application delay of 40 days in filing the leave to appeal petition is condoned.

Application is disposed of.

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Learned counsel for the petitioner contends that the two major grounds on which the respondent was acquitted were that no financial capacity to pay the loan amount was proved by the petitioner/ complainant and that there were also contradictions in the date of advancement of the loan. Learned counsel for the petitioner states that the case of the petitioner was that the petitioner had parted with ₹9 lakhs from his own funds to the respondent/ accused and a further sum was given by his uncle. The said uncle of the petitioner appeared as a defence witness and admitted that ₹9

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lakhs loan was given by the petitioner and the balance amount was given by him.

Further the respondent has apparently taken contrary pleas in his response to the notice under Section 251 Cr.P.C. and explanation under Section 313 Cr.P.C.

Considering the facts noted above this Court deems it fit to grant leave to appeal.

Petition is disposed of granting leave to appeal.

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

Admit.

List in due course.

Pending hearing of the appeal respondent 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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