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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6015/2018 CRL.M.A.48297/2018
IMRAN ILAHI Petitioner
Through: Mr. M. Hasibuddin, Advocate

versus

THE STATE (NCT OF DELHI) & ANR Respondents
Through: Mr. Kamal Kumar Ghai, APP
Mr. Deepak Hasthir & Mr.
Mukesh Gupta, Advocates for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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10.04.2019

1. Learned counsel for the respondent No.2 submitted that he does not wish to file the reply. However, in the interest of justice and just to cut short the delay, he has no objection in case the impugned order dated 30.8.2018, passed by the learned Metropolitan Magistrate, MM-03 (NI Act), South-East, Saket Courts, New Delhi is set aside, subject to costs and the petitioner may be given an opportunity to file an application under Section 145(2) of the Negotiable instruments Act, 1881 (NI Act).

2. Accordingly, in view of the cause submitted in the petition and the submissions of the learned counsel for the respondent No.2, the impugned order dated 30.8.2018 is set aside, subject to costs of Rs.10,000/- to be paid by the petitioner

to respondent No.2 within two weeks. The petitioner shall file an application, within two weeks, under Section 145(2) of the NI Act, with an advance copy to the learned counsel for the respondent No.2. It is clarified that in case the cost is not paid or the application under Section 145(2) of the NI Act is not filed within two weeks, opportunity to the petitioner to file the application under Section 145(2) of the NI Act shall be deemed to be closed.

3. Petition is disposed of in above terms. Pending application is also disposed of.

Dasti.

CHANDER SHEKHAR, J

APRIL 10, 2019

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