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

+ **CRL.L.P. 141/2018**

SURESH KUMAR

..... Petitioner

Represented by: Mr. Anish Shreshtha, Mr. Vishal
Sharma, Mr. Sajal Mukherjee, Mr.
Raj Gunjan, Mr. Firoz Khan, Advs.

versus

KAILASH @ CHIKU

..... Respondent

Represented by: Respondent in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

27.02.2019

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CrI.M.A. 3585/2018

For the reasons stated in the application delay of 31 days in filing the leave to appeal petition is condoned.

Application is disposed of.

CRL.L.P. 141/2018

Aggrieved by the dismissal of the complaint under Section 138 of the Negotiable Instruments Act for non-prosecution the petitioner has sought the present leave to appeal.

On 11th September, 2018 when the respondent entered appearance he stated that he had taken a loan of ₹30,000/- for which two cheques were issued and he was willing to return the said amount. This Court also noted that though the contention of the petitioner in the complaint was that a loan

CRL.L.P. 141/2018

page 1 of 2

₹4 lakh was taken, however complaint under Section 138 NI Act was based on dishonour of two cheques for a sum of ₹20,000/- and ₹10,000/- respectively.

A sum of ₹30,000/- has been paid by the respondent to the petitioner who is present in Court and is identified by the learned counsel.

Thus, learned counsel for the petitioner on instructions from the petitioner states that he does not wish to pursue the present leave to appeal petition.

Petition is thus dismissed as withdrawn.

MUKTA GUPTA, J.

FEBRUARY 27, 2019
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