

\$~14, 15,16

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

+ **CRL.L.P. 358/2017 & CRL.M.A. 10434/2017**

OMPAL SINGH

..... Petitioner

Through Mr Gaurang Kanth, Advocate with
Ms Rajesh Biji, Mr Rajeev Yadav, Ms Aarti
Mahato, Advocates

versus

SUNIL KUMAR

..... Respondent

Through Mr Suneel Kumar, Advocate.

15.

+ **CRL.L.P. 359/2017 & CRL.M.A. 10435/2017**

OMPAL SINGH

..... Petitioner

Through Mr Gaurang Kanth, Advocate with
Ms Rajesh Biji, Mr Rajeev Yadav, Ms Aarti
Mahato, Advocates

versus

SUNIL KUMAR

..... Respondent

Through Mr Suneel Kumar, Advocate.

16.

+ **CRL.L.P. 376/2017 & CRL.M.A. 10723/2017**

OMPAL SINGH

..... Petitioner

Through Mr Gaurang Kanth, Advocate with
Ms Rajesh Biji, Mr Rajeev Yadav, Ms Aarti
Mahato, Advocates

versus

SUNIL KUMAR

..... Respondent

Through Mr Suneel Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% 16.01.2020

1. The petitioner has filed the present petitions seeking leave to impugn an order dated 31.03.2017 whereby the petitioner's complaints under Section 138 Negotiable Instrument Act, 1881, were rejected.
2. Mr Kanth, learned counsel appearing for the petitioner submits that the only defences raised by the respondent were (a) that the notice had not been received; (b) that the cheques in question had been stolen; (c) that the petitioner did not have the wherewithal to extend the friendly loan, as claimed by the petitioner.
3. Insofar as notice is concerned, the respondent had received the summons and had failed to pay within the stipulated period from the date of receipt of the said notice. Further, it appears from the record that the notices had been sent and were received by the respondent.
4. *Prima facie*, the contention that respondent has discharged his onus of rebutting the presumption of law, is unmerited.
5. Accordingly, these petitions are allowed. The Registry is directed to renumber the present petitions as an appeal.

CRL. A. / _____ (to be numbered)

6. The respondent shall be admitted to bail on his furnishing a personal bond in the sum of ₹10,000/- with two sureties of the equivalent amount to the satisfaction of the concerned Registrar of this Court.
7. List before the Registrar of this Court for the aforesaid purpose on

01.02.2020.

8. List before the Court on 17.08.2020.

JANUARY 16, 2020

pkv

VIBHU BAKHRU, J