



\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 607/2023**

RANJEET KUMAR BAGPetitioner

Through: Mr. Prashant Batra, Advocate.

versus

ARVIND VERMARespondent

Through: Mr. Mukesh Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.09.2024

%

1. Learned counsel for the petitioner submits that the petitioner, who is summoned as an accused in the complaint proceedings initiated by the respondent under Section 138 NI Act wherein, he has taken a defence that he had issued the subject cheque for a sum of Rs.50,000/- only, which was later manipulated by the respondent by inserting the numerical '2' thereby making it Rs.2,50,000/-. Moreover, the amount, in words, was also not written by him as it was left blank.

In this backdrop, the petitioner sought an opportunity to lead expert evidence on the aforesaid limited aspect. Besides, the petitioner is also aggrieved by the observations made by the Trial Court while passing the impugned order qua the above contention.

2. The matter is stated to be at the stage of defence evidence. While the respondent has claimed that a cash loan of Rs. 2,50,000/- was advanced to the petitioner and the subject cheque was towards repayment of the said loan, the petitioner claims that only 50,000/- was advanced as a cash loan that was paid back. The subject cheque for Rs. 50,000/- was given towards



security and the petitioner has denied any liability. Though Section 138 NI Act provides that in case of difference in the amount written in words and figures, the amount stated in words would be the amount undertaken to be paid, the petitioner has claimed that particulars in the subject cheque has been filled in different handwritings. Considering the defence taken and the stage of the trial, no prejudice would be caused if the petitioner is permitted to lead expert evidence in his defence. Needless to state that the opinion of the expert witness, if examined, will be evaluated by the trial court at the appropriate stage alongwith the other evidence that has come on the record. Accordingly, the present petition is disposed of with the directions that the petitioner would be at liberty to examine an expert witness on the aforesaid aspect. Respondent shall also be at liberty to cross-examine the said witness and may also seek liberty from the Trial Court to cite an expert witness on his behalf as well.

3. Needless to state that the observations made in the impugned and the present are for the disposal of the petitioner's application and would have no bearing on the outcome of the trial.

MANOJ KUMAR OHRI, J

SEPTEMBER 23, 2024/ga