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

+ **CRL.M.C. 2094/2023 & CRL.M.A. 7946/2023**

RAJ KUMAR SANTOSHI

..... Petitioner

Through: Mr. Durga Dutt, Mr. Pradeep Yadav,
Mr. Devendra Rao Madhav,
Advocates.

versus

PRASHANT MALIK

..... Respondent

Through: Mr. Paranjay Chopra, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **14.03.2024**

1. By way of present petition filed under Section 482 Cr.P.C., the petitioner seeks the following prayers:-

“a) quash the summoning order dated 24.08.2021 and all the subsequent orders of the complaint case filed before the Ld. Court of Metropolitan Magistrate North-West Delhi at Rohini in the case bearing Ct. Cases No. 19199 of 2019, titled “Prashant Malik Vs. Raj Kumar Santoshi”; and /or

b) set aside the order dated 31.01.2023 and 06.03.2023, vide which a cost of Rs. 20,000/- imposed on the petitioner...”

2. Learned counsel for the petitioner states that the cheques issued by the petitioner were security cheques. He further states that in the present case repeated costs have been imposed by the trial court, despite the fact that the petitioner had undergone surgery and was therefore unable to appear before the court. He submits that even this court, while issuing notice and looking into the conditions of the petitioner, granted exemption to the petitioner from personal appearance.

3. It is no longer *res integra* that the defence of security cheque has to be



established during trial, based upon evidence. Reference, in this regard may be made to the Supreme Court decision in Sunil Todi v. State of Gujarat & Anr. reported as **2021 SCC OnLine SC 1174**.

4. Even otherwise, it has been informed that the matter is now fixed for final arguments. Considering the aforesaid, I find no ground to entertain the present petition and the same is accordingly dismissed.

However, insofar as imposition of costs of Rs.25,000/- is concerned, considering that the petitioner could not appear due to his ailment, the cost of Rs.25,000 imposed by trial court is set aside.

5. The petition is disposed of in above terms alongwith pending application.

DASTI.

MANOJ KUMAR OHRI, J

MARCH 14, 2024/rd