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

\+ CRL.M.C. 2252/2023 & CRL.M.A. 8510/2023

SOHAN LAL GUPTA ..... Petitioner

Through: Mr. Praveen Suri with Mr. N.K. Singh and Mr. Gurjeet Singh Sodi, Advocates.

versus

SUMIT VOHRA AND ANR. ..... Respondents

Through: Mr. Sunil Dalal, Sr. Advocate with Mr. Davender Kumar Jangra, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

O R D E R

% **10.04.2024**

1. By way of present petition filed under Section 482 Cr.P.C. the petitioner seeks to assail order dated 14.03.2023 whereby the respondents' request for summoning the witnesses from the office of the sub-Registrar as well as the concerned record clerk, Income Tax Office was allowed.

2. Learned counsel for the petitioner submits that the said witnesses are neither necessary nor relevant inasmuch as the respondents have taken different stands in the reply to the legal notice as well as the stage of the framing of notice.

3. Learned counsel for the respondents on the other hand has contended that the amount under the subject cheque already stands adjusted in the sale deed dated 30.08.2017 which was executed by the respondents in favour of petitioner's wife and son. During the course of submissions, he further submits that the subject amount was paid in cash, however the sale deed is

silent on the mode and manner of transaction as well as the date of receiving of this amount.

4. He submits that the petitioner has admitted in his cross examination that the sum of Rs. 50,00,000/- was declared in cash in the Income Tax returns. However, when questions relating to mode and manner of payment made under the sale deed were asked, the same were not answered.

5. During the course of submissions, learned counsel for the respondents states that the sale deed has already been exhibited as PW1/C-1 He does not press the summoning of witness from the Sub-registrar office.

6. I have heard counsel for the parties.

7. The defence taken by the respondents and as put to the petitioner is that the respondents had already partly discharged their liability under the said sale deed and since the petitioner has not come forward with respect to the mode and manner and the date of the transaction, the witnesses summoned from the Income Tax Office would be relevant in the present case.

8. In light of the same, I find no ground to interfere with this impugned order.

9. In the above terms, petition is disposed of.

MANOJ KUMAR OHRI, J

APRIL 10, 2024/ss