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

+ CRL.M.C. 2498/2023 & CRL. M.A. 9480/2023

SH. SUMIT KUMAR

..... Petitioner

Through: Mr. Satish Kumar Tiwari, Advocate.

versus

RAJENDER KUMAR

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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02.05.2024

1. By way of the present petition, the petitioner seeks quashing of impugned order dated 08.03.2021 vide which he was summoned in proceedings initiated under Section 138 of Negotiable Instruments Act.
2. The sole ground raised by the petitioner is that the demand notice was not issued within 30 days of receipt of the return memo. In the complaint case, the respondent/complainant has alleged that a friendly loan of Rs.4,80,000/- was given to the petitioner through cheque.
3. The petitioner issued a cheque bearing no.011765 for a sum of Rs.4,80,000/- drawn on ICICI Bank, Delhi Kamal Modal School Branch, Mohan Garden, New Delhi-110059 towards repayment of aforesaid loan. The said cheque when presented for encashment was dishonoured with remarks "funds insufficient". The complaint further reveals that returning memo was received on 26.12.2020.
4. Prime facie view of the complaint would show that the demand notice was issued within 30 days of receipt of returning memo on 25.01.2021, and



thus the contentions raised on behalf of the petitioner are found to be meritless. Accordingly, the present petition is dismissed.

5. Needless to state that the present order shall have no bearing on the outcome of trial which shall be on the basis of evidence that comes on the record.

MANOJ KUMAR OHRI, J

MAY 02, 2024/ssc