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

+ **CRL.L.P. 192/2023**

SANDEEP MALIK

..... Petitioner

Through: Mr. Harshit and Mr. Vidit Garg,
Advocates.

versus

AMIT KUMAR

..... Respondent

Through: Mr. Gaurav Mishra, Advocate
(through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.03.2024

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1. The present petition under Section 378(4) of the Cr.P.C. seeks the following prayers:

“(a) Pass an order thereby granting leave to file the instant appeal in favour of the Appellant / Complainant and against the Respondent;
(b) Pass such order and further orders as are deemed fit and proper in the facts and circumstances of the case and to meet the ends of justice.”

2. Response to the present petition has been filed on behalf of respondent no. 2.

3. It is pointed out that the only ground for acquittal of respondent no. 2 herein in the impugned judgment passed by learned Metropolitan Magistrate is that the present petitioner filed the complaint in his personal capacity and not as proprietor of M/s Malik Medical Store.

4. In view of the above, leave to appeal is granted. The present criminal



leave petition is allowed and disposed of. The same may be registered as a criminal appeal and the registry is directed to number it accordingly. Pending application (s), if any, also stand disposed of.

CRL.A (to be numbered)

5. Respondent no. 2 is directed to furnish a personal bond in the sum of Rs. 15,000/- with one surety of like amount to the satisfaction of learned Registrar General of this Court before the next date of hearing.
6. Re-notify on 26.07.2024.

AMIT SHARMA, J

MARCH 1, 2024/bsr