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

+ CRL.M.C. 1152/2020, CRL.MA. 4486/2020

MANOJ GODHA

.....Petitioner

Through: Mr. A. K. Vashishtha and Mr. Rakesh  
Kumar Singh, Advocates.

versus

VIJAY SHOURIE

.....Respondent

Through: Mr. D. V. Khatri and Mr. Nikhil  
Rawat, Advocates.

59

+ CRL.M.C. 1159/2020, CRL.MA. 4510/2020

MANOJ GODHA

.....Petitioner

Through: Mr. A. K. Vashishtha and Mr. Rakesh  
Kumar Singh, Advocates.

versus

VIJAY SHOURIE

.....Respondent

Through: Mr. D. V. Khatri and Mr. Nikhil  
Rawat, Advocates.

60

+ CRL.M.C. 1160/2020, CRL.MA. 4512/2020

MANOJ GODHA

.....Petitioner

Through: Mr. A. K. Vashishtha and Mr. Rakesh  
Kumar Singh, Advocates.

versus

KATHLEEN SHOURIE

.....Respondent

Through: Mr. D. V. Khatri and Mr. Nikhil



Rawat, Advocates.

61

+ CRL.M.C. 1161/2020, CRL.MA. 4514/2020

MANOJ GODHA

.....Petitioner

Through: Mr. A. K. Vashishtha and Mr. Rakesh  
Kumar Singh, Advocates.

versus

KATHLEEN SHOURIE

.....Respondent

Through: Mr. D. V. Khatri and Mr. Nikhil  
Rawat, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**05.12.2024**

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1. By way of the present petition, the petitioner who is facing trial in four complaint cases in the context of respondent's complaint filed under Section 138 NI Act, seeks to assail a common order dated 01.02.2020 vide which the learned Sessions Court dismissed the petitioner's application under Section 245 Cr.P.C. filed before the Trial Court.
2. At the outset, learned counsel for the petitioner concedes to the legal position and does not press the prayer. It is further stated that the issue stands answered by the Division Bench in Court On Its Motion vs. State, decided on **20.04.2022** in **CRL. REF. 4/2019**. He, however submits that the petitions be considered on the ground that the petitioners have no liability.
3. A perusal of paper book would show that the petitioner has raised this very ground in his earlier challenge vide CRL. M.C. Nos. 4483/2015 and



5050/2015. This Court, in those proceedings, observed that the question whether any liability exists is a question of fact and needs to be tested in trial. A challenge to the order by way of SLP (Crl.) Diary No. 2519/2019 also came to be dismissed on 22.02.2019, giving liberty to the petitioner to raise all contention before Trial Court. Apparently, the petitioner has preferred the subject application under Section 245 Cr.P.C after the order passed by the Supreme Court.

4. In the light of aforesaid facts and circumstances, I find no ground to entertain the present petitions and the same are accordingly dismissed alongwith pending applications.

**MANOJ KUMAR OHRI, J**

**DECEMBER 05, 2024/ssc**