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

+ **CRL.L.P. 64/2021**

MOHAR SINGH

.....Petitioner

Through: Mr. Amit Kumar, Mr. Prabhas Kumar,
Advocate for appellant.

versus

POOJA GUPTA

.....Respondent

Through: Mr. Pankaj Kumar Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

20.09.2024

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CRL.L.P. 64/2021

1. This petition has been filed against the order of acquittal by the MM, Saket Court dated 27th January, 2020 under Section 138 NI Act proceedings.
2. A perusal of the impugned order would show that, though the accused admitted to having issued the cheque in question, the Trial Court concluded that there was suspicion in the version of the complainant regarding the grant of loan to the accused and stated that “*one cannot turn a blind eye to the possibility that the cheque in question could have been given in lieu of an earlier loan and the same has been misused by the Complainant*”.
3. On this basis, it was concluded that the accused was successful in rebutting the presumption under section 139 of the Negotiable Instruments Act, 1881.
4. Leave to appeal is granted.



5. Petition is disposed of.

CRL.A. _____/2024 (Registry to number the appeal)

1. Issue notice.
2. Notice is accepted by counsel for respondent who is present in Court.
3. Response be filed before the next date of hearing with copies to the opposite side.
4. List on 23rd January, 2025.
5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 20, 2024/RK