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

+ **CRL.L.P. 337/2023**

HEMANT SAHNI

..... Petitioner

Through: Appearance not given.

versus

GOLDEN LUBES PVT LTD & ANR.

..... Respondents

Through: Mr. Jai Gupta and Ms. Arunima
Gupta, Advocates

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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02.04.2024

CRL.M.A. 18045/2023 (for grant of leave to appeal)

1. The present application under Section 378(4) of the Code of Criminal Procedure, 1973 seeks leave to appeal to challenge the impugned judgment dated 17.04.2023 passed by learned Metropolitan Magistrate in CC No. 21475/2016 whereby the learned Metropolitan Magistrate had dismissed the complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel appearing on behalf of the petitioner submits that the impugned judgment has been passed without appreciating the fact that the subject cheques as well as the promissory note were admittedly signed by the present respondent. It is pointed out that during the cross-examination of the complainant, no case was put to the latter with regard to details of business proposals in respect to which the subject blank cheques and promissory note were issued.



3. *Per contra*, learned counsel appearing on behalf of the respondent submits that learned Trial Court has appreciated the fact that the source of the alleged loan amount of Rs. 15 lakhs has not been satisfactorily explained by the petitioner/complainant before the learned Trial Court.

4. Heard learned counsel for the parties and perused the record.

5. The present respondent does not dispute the execution of the blank cheques as well as signatures on the promissory note. However, the contents thereof were denied by the respondent.

6. In view of the facts and circumstances of the case, leave to appeal granted. The present criminal leave petition is allowed and disposed of accordingly. The same may be registered as a criminal appeal and the registry is directed to number it accordingly. Pending application(s), if any, is also disposed of accordingly.

7. In the meantime, respondent is directed to furnish a personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the Registrar General of this Court.

CRL.A.....(to be numbered)

8. List on 23.08.2024.

9. In the meantime, Registry is directed to requisition the Trial Court Record with proper index, bookmarks and pagination for perusal of this Court before the next date of hearing.

AMIT SHARMA, J

APRIL 02, 2024/sn

Click here to check corrigendum, if any