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

+ CRL.M.C. 4798/2024, CRL.M.A. 17949/2024,
CRL.M.A. 17950/2024, CRL.M.A. 17951/2024 and
CRL.M.A. 17952/2024

BANGALI RAM

..... Petitioner

Through: Mr.Sudeep Dey and Mr.Abhinav Kumar,
Advocates

versus

SH. RISHI PAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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31.05.2024

1. By way of present petition filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C., the petitioner seeks setting aside of the impugned order dated 03.02.2024 passed by the learned MM-05 (NI Act) (South), Saket Courts, New Delhi in Ct. Cases No.4349 of 2020 vide the petitioner's request seeking recall of the complainant under Section 311 Cr.P.C. was dismissed.

2. The only premise for filing of the present petition is that in the proceedings initiated by the complainant under Section 138 NI Act, the petitioner, who was summoned as an accused, has taken a defence that the respondent was provided with three security cheques out of which the subject complaint pertains to one of them. He submits that by that the



complainant had not filed any complaint with respect to the remaining two cheques. He submits that now the petitioner has received one more summon with respect to another security cheque which he wants to put to the respondent by way of his application under Section 311 Cr.P.C.

3. On a perusal of the impugned order, it is apparent that the trial court has noted that in the cross-examination of complainant already conducted, the petitioner has already put the aforesaid defence to the complainant about 3 cheques merely because now the second complaint has been filed, the recall was observed to be unnecessary. Even a perusal of the cross-examination, copy of which has been placed on record, it is apparent that the petitioner has already put a specific cross on the aforesaid aspect.

4. In view of the above, I find no ground to entertain the present petition. Accordingly, the same is dismissed alongwith the pending applications.

MANOJ KUMAR OHRI, J

MAY 31, 2024

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