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

+ **CRL.M.C. 4956/2024**

SMALL INDUSTRIES DEVELOPMENT

BANK OF INDIA

.....Petitioner

Through: Mr. S.K. Rai, Mr. Rajeev Kumar
Ranjan and Ms. Rupam Kumari,
Advocates.

versus

**M/S SURYA VINAYAKA
INDUSTRIES LTD. & ORS.**

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.10.2024

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1. By way of present petition, the petitioner (who is the complainant herein) before the learned Trial Court had initiated proceedings under Section 138 NI Act and is aggrieved by the order dated 16.10.2021 passed by the Learned Judicial Magistrate, First Class whereby cost of one percent of the cheque amount has been directed to be deposited, which was upheld by the learned Sessions Court vide the impugned order dated 11.07.2023 in CrI. Rev. No.24/2022.

2. Learned counsel for the petitioner submits that the petitioner had filed two complaints in which similar orders were passed by the learned JMFC. While in one of the revision petitions, the order was set aside, however in the other, the order was upheld. He submits that even otherwise, the impugned order is not sustainable as it has been noted that the new AR of the complainant company has been brought on record while the notice itself



was not framed.

3. Considering the fact that one of the petitions of the petitioner stands allowed, the impugned order is set aside.
4. The petition is allowed and disposed of in above terms.

MANOJ KUMAR OHRI, J

OCTOBER 22, 2024/rd