



\$~69

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5465/2024CRL.M.A. 20927/2024**
YUGDEEP ESTATES BUILDERS PROMOTERS PVY LTD

.....Petitioner

Through: Mr. Mahavir Sharma, Advocate.

versus

DD TOWNSHIP LTD

.....Respondent

Through: Mr. Shiv Chopra, Ms. Aadhyaa
Khanna, Mr. Siddharth Arora and Mr.
Akash Jindal, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

13.08.2024

%

1. This petition has been filed assailing the order dated 01st July, 2024 passed by MM, Tis Hazari Courts (Central), Delhi in CC no. 536441/2016. By the said order, a clerical mistake in the notice under Section 251 Cr.P.C. framed on 16th July, 2008, was corrected.
2. The cheques in question bear no. 514939, 514940 and 514941 all dated 30th March, 2008.
3. While framing the notice, number of cheques were mentioned incorrectly as 514930, 514933 and 514934 dated 12th June, 2007, 18th June, 2007 and 09th March, 2007, respectively.
4. These incorrectly mentioned cheques had been previously issued by the accused which were dishonoured, while correct cheque numbers were later issued against the liability.



5. It is recorded by the impugned order that the matter is at the stage of final arguments, and it has taken 16 years to reach this case, complaint being registered in 2008.
6. The examination of witnesses, the complainant as well as the accused has already been conducted on the basis of the correct cheque numbers and there was only a clerical mistake in recording, in the notice under Section 251 Cr.P.C.
7. The Court does not find any infirmity in the said order.
8. Besides, counsel for complainant/respondent also draws attention to the decision of the Coordinate Bench of this Court in ***Nitin Gupta v. Aakash Metal Industrial.***, (2019) SCC online Del 10870, where this Court has observed that as per mandate Section 251 Cr.P.C. no formal notice is required to be framed, so long as the substance of the accusation is stated and the accused is asked whether he pleads guilty or intends to lead any defence evidence.
9. It is not disputed that all the evidence which has been led was relatable to the correct cheque numbers.
10. As regards the alternative prayer to re-examine the authorized representative of the complainant, one Sukhvinder Singh, it is noted that this plea had been taken up earlier and had already been declined by the ASJ, by order dated 28th April, 2023, which has been handed up in Court.
11. It is only appropriate that the matter proceeds for final arguments, 16 years having elapsed.
12. Petition is, therefore, dismissed. Pending applications (if any) are disposed of as infructuous.



13. The date already fixed is cancelled.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 13, 2024/RK