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

\+ CRL.REV.P.(NI) 14/2024, CRL.M.A. 27689/2024 & CRL.M.(BAIL) 1536/2024

SH DINESH RAO .....Petitioner

Through: Mr. Sunil Chaudhary, Adv.

versus

SH DINESH YADAV .....Respondent

Through:

**CORAM:**
**HON'BLE MR. JUSTICE ANISH DAYAL**

**O R D E R**

**% 12.09.2024**

1. This petition has been filed challenging the impugned judgment dated 18th November, 2023 and order on sentence dated 22nd November, 2023 passed by the Court of the MM, North-West, Rohini Courts in CIS No. 14844/2016 in proceedings under Section 138 of the NI Act.

2. Petitioner was sentenced for SI for 6 months and compensation of Rs.17,50,000/- to be paid within 30 days in default whereof with simple imprisonment for six months.

3. Against this order, the petitioner appealed before the Sessions Court, the pleas of the petitioner have noted by the Appellate Court. The defence which had been taken that he had not taken any loan from the complainant and, therefore, there was no question of handover of the cheque, which was disbelieved. The accused did not file any complaint before any police station regarding the allegation of stolen misused of cheque by the

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complainant. The other pleas by the petitioner have also been considered by the appeal order.

4. This Court does not fine any infirmity, impropriety or illegality in the said order. It is well reasoned and accounts for all the pleas being asserted by the petitioner before this Court. Also, specious pleas in order to explain away the tendering of a cheque cannot be countenanced in proceedings under section 138 of the NI Act where a statutory presumption works against the accused.

5. Accordingly, the petition is, therefore dismissed.

6. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**SEPTEMBER 12, 2024/MK**

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