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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 7779/2024**  
**JASMEET KAUR**

.....Petitioner

Through: Mr. S. K. Pandey, Adv.

versus

**USHA RANI**

.....Respondent

Through:

**CORAM:**  
**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

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**03.10.2024**

**CRL.M.A. 29695/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

**CRL.M.C. 7779/2024**

1. Petition under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner challenging order dated 09.12.2022 passed by learned MM whereby the application for discharge preferred on behalf of petitioner (accused in proceedings under Section 138 NI Act) was dismissed. A Revision petition challenging order dated 09.12.2022, was thereafter dismissed by learned ASJ vide order dated 10.02.2023. Petitioner for the reasons best known to him has not challenged the order passed by the Revisional Court.

2. A bare perusal of the order dated 10.02.2023 passed in Revision Petition, reflects that cheque in question relates to the year 2007. Notice under Section 251 Cr.P.C. was framed by the learned Trial Court on 04.11.2009 and



complainant evidence was concluded on 10.11.2010. The matter was thereafter listed for statement of accused including petitioner.

The application for discharge moved by the petitioner on 16.05.2019 was dismissed by the learned Trial Court vide order dated 09.12.2022 observing that the magistrate does not have power to discharge. No grounds have been disclosed by petitioner for failing to earlier challenge the summoning or order passed on notice on 04.11.2009.

3. Even the present petition has been filed against order dated 09.12.2022 without challenging the order passed in Revision Petition. In the facts and circumstances, there do not appear to be any reasons to interfere in the order dated 09.12.2022 passed by learned MM and order dated 10.02.2023 passed by learned Revisional Court at the fag end of the trial. Petition is accordingly dismissed without prejudice to the defence of the petitioner in proceedings under Section 138 NI Act. Pending applications, if any, also stand disposed of.

**ANOOP KUMAR MENDIRATTA, J.**

**OCTOBER 03, 2024**

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