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

+ CRL.L.P. 119/2020

STEEL AUTHORITY OF INDIA LIMITED .....Petitioner

Through: Mr. H.S. Phoolka, Senior Advocate  
with Mr. Alakh Kumar, Ms. Surpreet  
Kaur, Mr. Arani Chaudhary,  
Advocates

versus

MR. G.K. LATA & ORS. ....Respondents

Through: Mr. Ajay K. Sharma, Ms. Rupali  
Sharma, Advocates

+ CRL.L.P. 120/2020

STEEL AUTHORITY OF INDIA LIMITED .....Petitioner

Through: Mr. H.S. Phoolka, Senior Advocate  
with Mr. Alakh Kumar, Ms. Surpreet  
Kaur, Mr. Arani Chaudhary,  
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versus

MR. G.K. LATA & ORS. ....Respondents

Through: Mr. Ajay K. Sharma, Ms. Rupali  
Sharma, Advocates

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**07.05.2025**

**CRL.M.A. 2087/2020 (condonation of delay) in CRL.L.P. 119/2020**  
**CRL.M.A. 2090/2020 (condonation of delay) in CRL.L.P. 120/2020**

1. Through the instant applications, the Appellant seeks to condone a



delay of 61 days in filing the present appeals. It is argued that the reason for delay is that the counsel had applied for a certified copy of the order under challenge on 29<sup>th</sup> September, 2019 which was prepared on 05<sup>th</sup> September, 2019 and received by the Appellant 06<sup>th</sup> October, 2019. Thereafter, the matter was marked to a panel counsel who, on 26<sup>th</sup> November, 2019, drafted the appeals and sent it to the Appellant. It is contended that the Petitioner has good case on the merits and therefore, requests for the delay to be condoned.

2. Counsel for the Respondents, on the other hand, strongly opposes the applications for delay and submits that the reasons given in the applications do not justify the condonation of delay. It is submitted that the Appellant has tried to explain the delay in casual and mechanical manner. Reasons such as marking the matter to a counsel who took time to prepare the appeal is an internal affair of the Appellant and cannot be a reason that sufficiently justifies the delay.

3. The Court has considered the aforementioned contentions. Considering the reasons advanced by the Petitioner and the fact that this is a substantive right of the Petitioner against the order of acquittal, from a case emanating under Section 138 of the Negotiable Instruments Act, 1881, the Court is inclined to allow the applications.

4. For the foregoing reasons, the delay of 61 days in filing the present appeal is condoned and accordingly, the applications are disposed of.

**CRL.M.A.2088/2020 (for grant of special leave to appeal) in CRL.L.P. 119/2020 and CRL.M.A. /2020 (for grant of special leave to appeal) in CRL.L.P. 120/2020**



5. It is noted that inadvertently, CRL.M.A.2088/2020 was allowed as an exemption application by order dated 31<sup>st</sup> January, 2020. Thus, order dated 31<sup>st</sup> January, 2020 to the extent it allows CRL.M.A.2088/2020 is recalled. The application is restored to its original number.

6. The Registry is directed to allocate a number to the application seeking grant of Special Leave to Appeal in CRL.L.P. 120/2020.

7. Through the instant applications, filed under Section 378(4) of the Code of Criminal Procedure, 1973, the Appellant seeks leave to appeal against separate orders of acquittal dated 28<sup>th</sup> September, 2019 passed by the Metropolitan Magistrate, NI Act in Complaint Case No. 191/2016<sup>1</sup> and in Complaint Case No. 192/2016<sup>2</sup> for the offence under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881.<sup>3</sup>

8. Briefly, the present dispute stems from a sale transaction between the Petitioner and the Respondents whereby good were supplied by the Petitioner to Respondent No. 4. In discharge of liability towards such goods, Respondents issued cheques which were subsequently returned with the remark “PAYMENT STOPPED.”

9. Mr. H.S. Phoolka, Senior Counsel for the Appellant, submits that the impugned orders acquitting the Respondent, is erroneous and has misinterpreted the legal principles provided under Section 58 of the Indian Evidence Act, 1872 which provides that admitted facts need not be proved. Mr. Phoolka states that the Respondents had admitted the receipts of the delivery of goods in their application for recalling summoning order dated

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<sup>1</sup> titled *Steel Authority of India v. G.K. Lata & Ors*

<sup>2</sup> titled *Steel Authority of India v. G.K. Lata & Ors*

<sup>3</sup> “the NI Act”



10<sup>th</sup> November, 1997. In fact, the Respondents themselves had filed the applications of the invoice before this Court. However, at the stage of final decision, the Magistrate failed to appreciate the original invoices and produced during the pre-summoning stage and gave an erroneous conclusion that the receipt of the goods was denied.

10. Mr. Phoolka further argues that the only objection the accused had taken was regarding the difference in the value of the invoice that the goods received by the accused and the amount mentioned in the cheques. However, on this issue, the accused failed to give any cogent explanation and therefore, the presumptions under Section 139 of NI Act were strictly attracted which could not be controverted by the Respondents. Therefore, the order is erroneous and legally unsustainable.

11. In response, Mr. Ajay K. Sharma, counsel for the Respondents refutes the contentions urged by Mr. Phoolka. He submits that the argument that there was an admission on the part of the accused regarding the receipts, are misconceived. The applications referred to was never part of the record before the Trial Court record and were not filed in the instant case. He further submits that several other documents annexed with the applications were never part of the record. In rejoinder, Mr. Phoolka submits that the instant petitions were listed along with the other cases which were being heard by the concerned Court. He submits that the admission made by the accused even in one case, will amount to an admission in the other cases.

12. Considering the above, since the matter would require consideration, the Court is inclined to grant leave to the Appellant and accordingly, the applications are disposed of.



13. The Registry is now directed to allocate appropriate appeal number to the present petitions. Reply(s) to the appeals, if required, be filed before the next date of hearing.
14. Respondents shall furnish a personal bond in the sum of INR 25,000/- with one surety of the like amount, each, to the satisfaction of the Joint Registrar. Respondents are directed to appear in person before the Joint Registrar on 16<sup>th</sup> May, 2025.
15. Parties are directed to file a brief note of submissions not exceeding three pages along with relevant case laws, before the next date of hearing.
16. List for consideration on 15<sup>th</sup> September, 2025.

**SANJEEV NARULA, J**

**MAY 7, 2025/ab**