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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 116/2022**
MS BHARATI BHAWAN PUBLISHERS AND DISTRIBUTORS

.....Petitioner

Through: Mr. Shoumik Mazumdar and Ms.
Sabhyata Sharma, Advs.

versus

MS CLEMENT SCHOOL MART NETWORK & ANR.

.....Respondents

Through: Mr. Himanshu Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

20.01.2025

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CRL.L.P. 116/2022

1. This is an application seeking leave to appeal against the impugned judgment dated 09.12.2021 passed by learned Metropolitan Magistrate (NI ACT)-02, Patiala House Courts, New Delhi in CC No. 6324 of 2017 titled as "*M/s. Bharati Bhawan Publishers and Distributors v. M/s. Clement School Mart Network*".
2. As per the judgment, the complaint under Section 138 of NI Act was dismissed by the learned MM on the ground that there was no legally enforceable debt.
3. Mr. Mazumdar, learned counsel for the petitioner states that in the present case, the petitioner duly annexed the ledger account and the same clearly was legally enforceable debt. The ledger account shows the dates on which books were supplied, hence, the same was legally enforceable debt is



true.

4. Mr. Sharma, learned counsel for the respondent supports the impugned judgment and states that no infirmity can be attributed to the said judgment.

5. I am of the view that the issue needs consideration and the entire evidence needs to be looked into as the ledger account *prima facie* shows a legally enforceable debt.

6. For the said reasons, the leave to appeal application is allowed and the appellant is granted leave to appeal against the judgment dated 09.12.2021.

CRL.A. /2025 (TO BE NUMBERED)

7. Since the leave to appeal is allowed, the Registry is directed to number the appeal.

8. Issue notice.

9. For the reasons stated in the appeal, Mr. Sharma, learned counsel accepts notice for the respondents and will address arguments at the stage of final hearing.

10. The appeal is “**admitted**” and shall be listed in due course for hearing.

JASMEET SINGH, J

JANUARY 20, 2025/NG

Click here to check corrigendum, if any