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

+ W.P.(CRL) 871/2021, CRL.M.A. 6282/2021, CRL.M.A. 24469/2023

SUKHBIR SINGHPetitioner

Through: Mr. Bhuvnesh, Advocate.

versus

GRAPHISADS PVT LTD & ORS.Respondent

Through: Mr. Nitin Mittal, Advocate.

AND

+ W.P.(CRL) 872/2021, CRL.M.A. 6284/2021, CRL.M.A. 24470/2023

SUKHBIR SINGHPetitioner

Through: Mr. Bhuvnesh, Advocate.

versus

GRAPHISADS PVT LTD & ORS.Respondent

Through: Mr. Nitin Mittal, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **06.05.2025**

1. The present petition under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed to challenge the order dated 03.12.2016, whereby the Petitioner herein has been summoned in the Complaint Case under Section 138 of the NI Act.



2. The ground for setting aside of Summoning Order is that the petitioner was not a Director and, therefore, no liability for or on behalf of the Company can be imposed on him. Copy of the employment letter has been annexed alongwith the petition.

3. It is the defence of the petitioner that he was an employee and not a Director of the company. The only document relied upon is the employment letter which needs to be proved in defence by the Petitioner. It is also pertinent to observe that the Complaint under Section 138 of the NI Act has been received on transfer by the learned M.M. and notice had been issued to the petitioner for appearance. Petitioner had been summoned earlier and apparently, pursuant thereto, notice has been issued to petitioner. The impugned Order is not the order vide which the petitioner has been summoned.

4. There is no merit in the present petition, which is disposed of with liberty to the petitioner to raise his defence before the learned Trial Court.

NEENA BANSAL KRISHNA, J

MAY 6, 2025

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