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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 237/2022**
RAM SEVAK KAMAT

.....Petitioner
Through: Mr. Sundheshwar Lal, Mr. Deepanshu
Devel, Ms. Anita Kamath, Adv.
Mr. M.K. Shah, Adv.

versus

MUNESH KUMAR
.....Respondent
Through: Mr. Rakesh Nautiyal, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

% **ORDER**
12.03.2025

CRL.L.P. 237/2022

1. This is an application seeking leave to appeal against the judgment dated 05.03.2022, wherein the respondent has been acquitted for offences under Section 138 of the Negotiable Instruments Act.
2. In the present case, one of the primary grounds weighing with the learned MM is was that the notice under Section 138 of Cr.PC has not been sent to the correct address of the respondent.
3. Additionally, the original notice as well as the postal receipts have not been annexed with the complaint.
4. Mr. Lal, learned counsel has stated that the address is the same as shown in the mortgage deed as well as the respondent has admitted



the same in his statement under Section 251 of Cr.PC that the address where the notice was sent, belongs to the respondent.

5. I am of the view that the issue needs consideration.
6. For the said reasons, the leave to appeal is granted and the application is allowed.

CRL.A /2025 (TO BE NUMBERED)

7. The appeal is “**Admitted.**”
8. Let the Registry number the appeal.
9. Issue notice. Mr. Nautiyal, learned counsel for the respondent accepts notice.
10. Mr. Lal, learned counsel for the petitioner states that a date be fixed for hearing of the appeal.
11. The appeal shall be taken up for hearing on 31.07.2025.
12. The respondent is at liberty to file documents as well as written submissions.

JASMEET SINGH, J

MARCH 12, 2025/sp

Click here to check corrigendum, if any