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

+ **CRL.L.P. 402/2025**

RAJESH KUMAR

.....Petitioner

Through: Mr. Nitin Kumar, Advocate.

versus

DINESH KUMAR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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04.08.2025

CRL.M.A. 22491/2025 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 22490/2025 (delay in filing (61 days)

2. For reasons mentioned therein, the application is allowed and delay in filing this petition is condoned.

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3. The applicant has sought leave to appeal in order to challenge acquittal of respondent in proceedings under Section 138 Negotiable Instruments Act.

4. Learned counsel for applicant seeks permission to withdraw this appeal with liberty to file afresh before the Court of Sessions, placing reliance on the judgment of the Hon'ble Supreme Court in the case titled *Celestium Financial vs A. Gnanasekaran etc.*, 2025 SCC OnLine SC 1320.



5. Accordingly, the present application for leave to file appeal is dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

AUGUST 4, 2025