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

+ **CRL.L.P. 170/2017**

ADITYA TRADING COMPANY

.....Petitioner

Through: Mr. Amit Kumar, Advocate.

versus

JYOTI SALES

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.04.2025

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CRL.L.P. 170/2017

1. An Application seeking Leave to Appeal under Section 378(4) of the Cr.P.C has been filed on behalf of the Appellant, wherein it is submitted that the Respondent/Accused was doing job work and had purchased the fiber goods from the Appellant from time to time. He had issued three cheque on 06.07.2011, 13.07.2011 and 30.08.2011 in the sum of Rs.2 lakhs, Rs.2 lakhs and Rs.7 lakhs respectively which on presentation got dismissed for insufficiency of funds. A Complaint under Section 138 NI Act was filed, though the same had been dismissed vide impugned Judgment dated 18.01.2017. Leave to Appeal has been filed on the ground that the Respondent had admitted issuing the cheques and also that the same bears his signatures. He has taken plea of having given the cheques to the Appellant/Complainant on account of a Committee being run by the



Appellant in which he had taken the Membership. It is submitted that despite all these admissions, the learned Trial Court has erroneously dismissed the Complaint and acquitted the Respondent.

2. Submissions heard and record perused.
3. Considering the grounds agitated in the Application, the Leave to Appeal is hereby allowed.

Crl.APP.No. _____/2025 (To be numbered by the Registry)

4. The Respondent had duly been served and has even submitted his Reply.
5. Written submissions be filed within six weeks.
6. E-TCR be summoned before the next date.
7. List for arguments on 07.08.2025.

NEENA BANSAL KRISHNA, J

APRIL 21, 2025/va