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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.L.P. 491/2018**  
**M/S INDIAN DELCO**

.....Petitioner

Through: Mr. Shubhranshu Padhi, Mr. Gaurav,  
Mr. Pranav Giri, Advs.

versus

**M/S PASOONDIA STEEL PROFILES LTD. & ORS**

.....Respondent

Through: Mr. Rikky Gupta, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**27.01.2025**

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1. This is an application filed under section 378(4) of the Code of Criminal Procedure, 1973 seeking grant of leave to appeal to challenge the judgment dated 13.04.2018 passed by the learned MM-02, South-East District, Saket Court, New Delhi in Complaint Case No. 631072/2016, whereby the respondents have been acquitted for offences punishable under section 138 of the NI Act.

2. A perusal of the impugned judgment shows that the complaint case has been dismissed primarily on the ground that the notice issued under Section 138 of the NI Act was beyond time and the petitioner was not able to show the debt that is legally enforceable.

3. Mr. Gupta, learned counsel for the respondent states that the date of the legal notice has been changed by the petitioner as per its own convenience. In the complaint, it is mentioned as 14.07.2001, whereas in the



legal notice, it is mentioned as 17.08.2001.

4. *Prima facie*, it seems that there may be a typographical error in the legal demand notice, wherein the date is inadvertently typed as 17.08.2001 instead of 19.07.2001. Further, there are UPC and registered AD receipts showing the date of dispatch of legal notice as 19.07.2001.

5. In addition, there is also a reconciliation statement, wherein there is some semblance of confirmation of the amount due and payable to the petitioner.

6. To my mind, the issues raised by the petitioner require consideration.

7. For the said reasons, the petitioner is granted leave to appeal to challenge the judgment dated 13.04.2018.

8. The application is disposed of accordingly.

**CRL.A. /2025 (TO BE NUBMERED)**

9. Since the leave to appeal is granted, the Registry is directed to number the appeal.

10. Issue notice.

11. Mr. Gupta, learned counsel accepts notice on behalf of the respondent.

12. **“Admit”**

13. List in due course.

**JASMEET SINGH, J**

**JANUARY 27, 2025 . (MS)**

*Click here to check corrigendum, if any*