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

+ CRL.L.P. 289/2017, CRL.M.A. 8020/2017

YOGESH MAHAJAN

.....Petitioner

Through:

versus

GULSHAN KHERA

.....Respondent

Through: Mr. Aditya Madaan, Advocate
(through VC)

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+ CRL.L.P. 290/2017, CRL.M.A. 8022/2017

YOGESH MAHAJAN

.....Petitioner

Through:

versus

GULSHAN KHERA

.....Respondent

Through: Mr. Aditya Madaan, Advocate
(through VC)

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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29.07.2025

1. Learned Counsel for the Respondent submits that the Respondent has died in December, 2024.
2. The learned Counsel for the Complainant submits that he shall move an Application furnishing the proof of demise as well as the legal heirs of the Respondent.
3. The present Criminal Leave Petitions under Section 378(4) of the Code of Criminal Procedure, 1973, has been filed on behalf of the Petitioner against the impugned Judgment dated 01.02.2017 of learned ACMM, Karkardooma Courts, Delhi in Complaint Cases No. 546/1/2011 and



501/1/2011 *vide* which the Respondent has been acquitted in the Complaint under Section 138 of the N.I. Act.

4. In view of the Judgment of *Celestium Financial vs. A. Gnanasekaran*, 2025 SCC OnLine SC 1320 and Order of this Court in CRL.L.P.215/2021 dated 23.07.2025, the present matters are disposed of with direction that the present Petition be treated as an Appeal under the proviso to Section 372 Cr.P.C and numbered accordingly.

5. In case there is Application pending for Condonation of Delay, the same be also transferred along with the entire record to be considered by the learned ASJ in accordance with law.

6. The Registry is directed to transfer entire record of the cases including the requisitioned copy of TCR, to the Learned Principal District & Sessions Judge, Karkardooma Courts, Delhi for marking it to the concerned Appellate Court/ learned ASJ, on 20.08.2025.

7. The parties are directed to appear before the concerned learned Principal District & Sessions Judge on 20.08.2025.

8. It is hereby clarified that there are no observations as to the merits of the case. All rights and contentions of the parties are left open to be agitated before the Court concerned.

9. In view of the above, the present Appeals are disposed of along with the pending Application(s), if any.

NEENA BANSAL KRISHNA, J

JULY 29, 2025

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