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

+ CRL.L.P. 19/2018

LAXMI PUBLICATION PVT LTDPetitioner

Through: Mr. OP Gupta, Adv.

versus

AJAY KUMAR & ANRRespondents

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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15.01.2025

1. This is an application filed under 378(4) of the Code of Criminal Procedure, 1973 seeking grant of leave to appeal against the impugned judgment dated 26.09.2017 passed by learned Metropolitan Magistrate (MM), NI Act-04, Central, Tis Hazari Courts, Delhi, whereby respondent no. 1 was acquitted for the offence under section 138 of NI Act, 1881.
2. Mr. Gupta, learned counsel for the petitioner submits that the learned MM while acquitting the respondent no. 1 on the ground that the cheque in question seems to have been given for security has totally failed to appreciate the statement made by respondent No. 1 under section 313 of Code of Criminal Procedure, 1973, whereby respondent no. 1 categorically stated that there are invoices of the petitioner showing receipt of books purchased by the respondent no. 1.
3. Hence, the liability of respondent No. 1 is clearly made out.
4. *Prima facie*, it seems that the cheque in question was issued as a



liability towards purchase of books.

5. In the present case, respondent no. 1 has been duly served and the counsel for respondent no. 1 has also filed the *vakalatnama* which is on record.

6. However, there is nobody appearing on behalf of the respondent no. 1 to dispute the submission made by the learned counsel for the petitioner.

7. For the said reasons, the present application is allowed and the petitioner is granted leave to appeal to challenge the impugned judgment dated 26.09.2017 passed by learned MM, NI Act-04, Central, Tis Hazari Courts, Delhi.

CRL.A____/2025 (to be numbered)

8. This is an appeal filed under section 378 of Code of Criminal Procedure, 1973 seeking to challenge the impugned judgment dated 26.09.2017 passed by learned Metropolitan Magistrate (MM), NI Act-04, Central, Tis Hazari Courts, Delhi, passed in Complaint case no. 7885/2013.

9. **“Admit”**

10. List in due course.

JASMEET SINGH, J

JANUARY 15, 2025/DM

[Click here to check corrigendum, if any](#)