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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4393/2023 & CRL.M.A. 16826/2023 & CRL.M.A.
21517/2023

HEMANT SAGRMAL JAIN

.....Petitioner

Through: Ms. Neha Gupta, Advocate.

versus

KOTAK MAHINDRA BANK LTD.

.....Respondent

Through: Mr. Kaushik Mishra with
Mr. Shivendra Singh and Mr. Shailesh
K. Rajora, Advocate for respondent
Bank.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

15.01.2026

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1. The question raised in the present petition is very short and precise.
2. According to the petitioner, who has been summoned for commission of offence under Section 138 of Negotiable Instruments Act, 1881, the complaint in question could not have been filed in Delhi as the cheque had been presented in Ahmedabad.
3. During course of the arguments, learned counsel for respondent i.e. Kotak Mahindra Bank Ltd., which has taken over the assets and liabilities of erstwhile complainant i.e. ESSEL Finance Business Loans Ltd., submits that they will move appropriate application before the learned Trial Court seeking summoning of the concerned officials of the earstwhile complainant as well as of the Bank where the cheque in question were presented, to make everything crystal clear on the abovesaid aspect.



4. Learned counsel for the petitioner/accused, on the basis of the abovesaid assurance and, without prejudice to her rights and contentions, does not press the present petition at this juncture. She, however, prays that the learned Trial Court may be requested to expedite the disposal of the complaint in question as the complaint was not maintainable in Delhi.
5. In view of the abovesaid statement, the present petition is disposed of as not pressed. All rights and contentions are hereby reserved.
6. Complainant shall take the steps, as undertaken above.
7. Learned Trial Court is requested to expedite the disposal of the complaint in question. Needless to say, both the sides would render due assistance and cooperation to the learned Trial Court.

MANOJ JAIN, J

JANUARY 15, 2026
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