

CR No. 392/2023
Ram Kumar Singh v.
DS Green Agrotech Pvt. Ltd.

28.07.2023

Present: Sh. Shankar, counsel for revisionist.

Learned counsel for revisionist-accused submits that respondent/complainant issued two notices to the revisionist herein. First notice was issued on 06.03.2017 and second notice was issued on 03.04.2017. However, the first notice dated 06.03.2017, has not been filed by the respondent/complainant before learned Trial Court and same has been concealed by the respondent. After the first notice, the complaint was time barred and had not been filed within the stipulated period of time under NI Act. The cheque was presented only once but two legal notices were issued by the respondent. Learned counsel has submitted that if cheque is presented once and two legal notices have been issued on different dates, then, complaint can be filed within stipulated period under NI Act which can be from the first legal notice and in this regard he has relied upon **Puri International (P) Ltd. & Anr. v. Ram Lal Bansawal & Sons**, CrI. M. C. No.2912 of 2004 decided by Hon'ble High Court and **Tameshwar Vaishnav v. Ram Vishal Gupta**, (2010) 2 Supreme Court Cases 329. Learned counsel has requested for stay of impugned summoning order dated 31.07.2018.

Keeping in view the submissions made by learned counsel for revisionist regarding presentation of cheque once but issuance of two notices on different dates and filing of the complaint after the second notice which is time barred as submitted, and, the above mentioned judgments, the execution of impugned order dated 31.07.2018 is hereby suspended under section 397 (1) of the CrPC, till next date of hearing.

Issue notice in the revision and of the application for condonation of delay upon respondent, on filing of PF, RC & AD and through all permissible modes for 11.09.2023.

TCR be requisitioned two days prior to the next date of hearing.

Copy of the order be given dasti and one copy of the order be sent to learned Trial Court.

(Sanjeev Kumar-II)
Special Judge (NDPS)-02
Central District, Tis Hazari Courts,
Delhi /28.07.2023