

CC No.3717-2022

CNR No.DLWT020270232022

M-S NECRMATIC POLYCHEM PVT. LTD.

Vs.

M-S RICKY POLYMER

09.08.2024

Proceedings conducted through video conferencing via Cisco Webex App.

Present: Mr. Raushan Kumar, Ld. Counsel for the complainant.
Mr. Gulshan Kumar, Ld. Proxy Counsel for the accused alongwith accused no.2.

Bail bonds not furnished. Ld. Counsel for the accused seeks some time to furnish the same. Allowed subject to cost of Rs.2000/- to be paid to the complainant.

Matter is fixed for framing of notice.

Heard on notice. On a perusal of the complaint and supporting documents, I am of the opinion that there are sufficient grounds to frame notice against the accused and proceed to trial. Since Cr.P.C does not prescribed any format of notice unlike a charge, no format based notice under section 251 Cr.P.C is being framed. The only requirement of Section 251 Cr.P.C is that particulars of offence and substance of the accusation should be stated to the accused. In compliance of the same – the factum of issuance of dishonour of cheque in question, the service of legal demand notice, failure of payment despite demand, liability and cumulative effect thereof culminating into an offence u/s 138 NI Act been explained to the accused in vernacular.

In view of section 256 (g) and the guidelines laid down by Hon'ble High Court of Delhi in case of Rajesh Aggarwal & Anr. Vs. State 171 (2010) DLT 51, the exact requirement now is to record the plea of the accused and his specific defence. The same has been recorded separately.

Pdf of the plea of defence of accused no.2 alongwith statement recorded u/s 294 Cr.P.C. for dropping of three witnesses have been physically signed by the accused no.2 and the undersigned.

Application u/s 145 (2) NI Act is allowed at the oral request of counsel for accused as Ld. Counsel for the complainant has no objection if the same is allowed.

Put up for CE on 17.01.2025.

Complainant is directed to remain physically present in the room no.207, Extension Block, THC, on 17.01.2025. Counsel for complainant, counsel for accused and accused are also directed to remain physically present in Room No.207, Extension Block, THC, for cross-examination. Evidence shall be recorded as per the Delhi High Court VC Rules 2021. Date is given at the convenience of both the parties.

GAURAV KATARIYA
JMFC (NI ACT)
DIGITAL COURT-01/WEST/
THC/Delhi/09.08.2024