



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-08,
WEST DISTRICT, TIS HAZARI COURTS, DELHI

Presided by: Nipun Awasthi, DHJS

CNR No. DLWT01-012249-2025
CA No. 548/2025

In the matter of:

Ajay Kumar Yadav
S/o Sh. Ram Kirpal Yadav
R/o U/340, Dharam Enclave,
Prem Nagar-II, Kirari Suleman Nagar,
New Delhi – 110086.

.....Appellant

Vs.

Vijay Kumar
S/o Sh. Babu Lal
R/o H.No. 143, N Block,
Prem Nagar – II, Kirari Suleman Nagar,
New Delhi – 110086.

.....Respondent

Date of institution of appeal : 24.11.2025
Date of pronouncement of order : 15.07.2026

ORDER

1. Case of the complainant/appellant is that the respondent borrowed Rs. 3 lacs from the complainant and issued a cheque towards the repayment of this loan and when this cheque was presented for payment by the appellant, it was returned unpaid by the banker of the respondent and consequent to this dishonour, the appellant/complainant made a complaint u/s 138 N.I. Act. This complaint case was titled *Ajay Kumar Yadav Vs. Vijay Kumar CC No. 14865/2016*.

1.1 By the impugned judgment dated 12.01.2023, Ld. Magistrate acquitted the respondent for offence punishable u/s 138 N.I. Act. By present appeal, the appellant/complainant has impugned this judgment of acquittal.

2. Defence of the respondent was that he had repaid the borrowed money and despite the repayment, the appellant refused to return the cheque delivered to him by the respondent and presented the same for payment and thereafter made complaint u/s 138 NI Act in respect of this dishonour.

3. In the impugned judgment, the Ld. Trial Court had returned a finding that the accused/respondent herein had failed

to prove the fact that he had repaid the borrowed money to the complainant.

3.1 The finding on the basis of which the Ld Trial Court acquitted the accused/respondent herein is that the cheque in question was delivered on 08.01.2014 whereas the money was borrowed on 08.12.2014 . According to this finding, the delivery of the cheque was antecedent to the borrowing of money. The said finding is returned in paras no. 29 & 30 of the impugned judgment.

3.1.1 The finding of the Ld. Trial Court that the issuance of cheque was antecedent to the borrowing, is based on the admission of the complainant/appellant herein made in his cross-examination before the Ld. Trial Court. The said admission of the complainant/appellant is referred to in para no. 29 of the impugned judgment. The pertinent portion of the testimony of appellant has also been reproduced by the Ld. Trial Court in para no. 19 of the impugned judgment.

3.2 There is no assail to the impugned judgment in reference of the above admission. Thus, it is found that the finding of the Ld. Trial Court based on the admission of the complainant/appellant made during his cross-examination, is proper. Hence, there is no ground to set aside the impugned judgment.

4. Hence, the present appeal is dismissed given the reason cited in para no. 3.2 above.

5. Trial court record along with copy of this order be sent back.

6. Appeal file be consigned to record room.

**Pronounced in the open
Court on 15.07.2026.**

**(Nipun Awasthi)
Addl. Sessions Judge -08(West)
Tis Hazari Courts Delhi**