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

+ **CRL.M.C. 291/2023& CRL.M.A. 1160/2023**
PARMESHWAR DAYAL LAKHANI

..... Petitioner

Through: Mr. Sumer Singh Boparai, Mr.
Sidhant Saraswat & Mr. Prateek
Ahuja, Advocates

versus

MR. SUCHET NAGPAL ALIAS MANISH PROPRIETOR OF M/S
TIRUPATI GLOBAL INTERNATIONAL & ANR.

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **17.01.2023**

CRL.M.A. 1161/2023(Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 291/2023

The present petition has been filed assailing the order dated 25.11.2022. The learned counsel for the petitioner submits that the learned trial court passed the summoning order dated 30.06.2012.

Learned counsel for the petitioner submits that notice was only framed against the petitioner whereas vide order dated 10.05.2019 the court had issued court notice to official liquidator to represent accused no. 1 company for framing of notice qua accused no.1 .

Learned counsel submits that repeatedly the matter was adjourned for framing of the notice against accused no.1 however, on 23.09.2022 learned MM took a view that since the accused no.1 company is under liquidation,



notice has not been framed against him.

Learned counsel submits that the court of learned MM did not have power of review and thus the grave illegality has been committed. Learned counsel has further submitted that merely because the company was under liquidation, it cannot escape the liability under Section 138, Negotiable Instrument Act, reliance has been placed upon R.M. Malhotra vs Surendra Kumar Jain & Ors., 2013 SCC online Delhi 635, Learned counsel submits that in the said case the reliance was placed upon Pankaj Mehra vs. State of Maharashtra (2000, 2 SCC 756).

Issue notice to respondents through all permissible modes.

The proceeding before Trial Court shall remain stay till the next date of hearing. List on 04.05.2023

DINESH KUMAR SHARMA, J

JANUARY 17, 2023/rk