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

+ **CRL.M.C. 2917/2025**

DHEEERAJ CHOUDHARY

.....Petitioner

Through: Mr. Abhik Kumar, Mr. Abhinav
Akash and Mr. Deepak Gridhar,
Advs.

versus

GEETA DEVI

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **30.04.2025**

CRL.M.A. 13001/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 2917/2025, CRL.M.A. 13002/2025

3. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of the petitioner seeking to set aside the Order dated 05.04.2025 passed by learned Judicial Magistrate First Class (NI Act)-02, Patiala House Courts, New Delhi ("Trial Court") in Complaint Case bearing CC NI Act No. 15133/2024 titled as "***Geeta Devi vs. Dheeraj Choudhary***".
4. The learned counsel for the petitioner submits that *vide* the



Impugned Order dated 05.04.2025, out of the four witnesses namely (1) Mr. Shivam Goyal, proprietor of M/s Goyal Metal Traders, (2) Mr. Mukul Kumar Sharma, Draught's Man, (3) Record keeper from GNCTD, Dept. of Trade and Taxes and (4) Record keeper from GNCTD, Transport Dept., only one witness namely Mr. Shivam Goyal, proprietor of M/s Goyal Metal Traders has been allowed to be examined. He submits that the other three witnesses are material to prove his defence and the learned Trial Court has erroneously failed to consider the same.

5. The learned counsel further submits that the petitioner is running his business in a small shop measuring 5'-6" approx. X 7'-3" approx, Height 8'-2" and in such a small shop, it is not possible for him to store the alleged quantity of 6-7 tons of copper scrap, which the respondent submitted that he has intended to supply to her. Moreover, the vehicle, which the respondent alleges has been used to transport the goods, has already been deregistered in the year 2018 and is a three wheeler delivery van wherein it is not possible to transport the 6 to 7 tons of copper scrap.

6. Issue notice.

7. Upon petitioner taking steps, let the service be effected upon the respondent, through all permissible modes, returnable on 28.08.2025.

SHALINDER KAUR, J

APRIL 30, 2025/ss/kp

[Click here to check corrigendum, if any](#)