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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 837/2024, CRL.M.A. 19289/2024 &
CRL.M.A. 19290/2024

VIJAY

.....Petitioner

Through: Mr. Rahul Thakur & Mr.
Suraj Baghel, Advocates
alongwith Petitioner-in-
Person.

versus

THE STATE (GOVT. OF N.C.T.) OF DELHI
& ANR.

.....Respondents

Through: Mr. Raj Kumar Dahiya,
APP for the State.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
05.07.2024

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1. The present petition is filed under Section 397/401 read with Section 482 of the Code of Criminal Procedure, 1973, challenging the order dated 19.03.2024, passed by the learned Additional Sessions Judge ('**ASJ**')/Special Judge cum FTC, South District, Saket Court, Delhi, in C.A. No. 231/2023 (hereafter '**the impugned order**').
2. The learned ASJ, by impugned order, had dismissed the appeal filed by the petitioner challenging the order dated 08.07.2023 in CC No. 540/2020, whereby the petitioner was convicted for an offence under Section 138 of Negotiable Instruments Act, 1881 ('**NI Act**').
3. The learned counsel for the petitioner submits that the petitioner and the father of the complainant were colleagues and



used to work in the same office.

4. He submits that the petitioner had taken a loan of ₹1,00,000/- in cash from the father of the complainant for which a blank cheque was given as a security.

5. He submits that the complainant during the cross-examination also admitted that a blank cheque was handed over to him. Fraudulently, the sum of ₹4,50,000/- was mentioned in the said cheque whereas, admittedly, the complainant has not been able to show the means by which the sum of ₹4,50,000/- was paid to the petitioner.

6. He submits that the complainant had not been able to produce any material to show that a sum of ₹4,50,000/- was at any stage available with him so as to extend the same as loan to the petitioner.

7. Issue notice.

8. The learned Additional Public Prosecutor for the State accepts notice.

9. On petitioner taking steps, let notice be served to Respondent No.2 through all permissible modes.

10. Subject to petitioner depositing 20% of the cheque amount within a period of four weeks, the operation of order on sentence dated 08.07.2023 is suspended, till the next date of hearing.

11. List on 03.10.2024.

AMIT MAHAJAN, J

JULY 5, 2024

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