



\$~55

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

+ CRL.M.C. 2253/2018 & Crl. M.A. 8011/2018 & 8013/2018

RAGHU NANDAN SINGH

..... Petitioner

Through: Mr. Siddhargth Aggarwal, Mr. Faraz
Maqbool and Mr. Zeeshan Diwan,
Advs.

versus

BHARAT BIJLEE LTD

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **01.05.2018**

Crl. M.A. 8012/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 2253/2018

1. The petitioner who is a non-executive independent director impugns order dated 17.07.2017 whereby the petitioner has been summoned in a complaint filed under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the petitioner submits that the petitioner has not yet received any summons to appear before the trial court, however, became aware of the impugned order as summons were received in the name of the company.

3. Learned counsel for the petitioner submits that the petitioner is



a non-executive independent director and is not involved in or control the day-to-day affairs of the company. It is submitted that it is apparent from the complaint that the subject cheque was not given in discharge of the whole or part of the liability accruing to the complainant. The subject cheque was given as advance payment and thereafter instructions were issued for stopping the payment of the cheque with due intimation to the complainant. It is submitted that four months after the instructions were issued for stopping the payment of the cheque, the cheque is sought to be adjusted by the complainant towards another liability, for which the cheque was not given.

4. Issue notice to the respondent, returnable on 23.07.2018. *Dasti* in addition.
5. Till the next date of hearing, the petitioner is exempted from personal appearance before the Trial Court provided the petitioner is represented by a counsel. Further proceedings qua the petitioner shall remain stayed till the next date of hearing.
6. Order *Dasti* under signatures of Court Master.

SANJEEV SACHDEVA, J

MAY 01, 2018
‘rs’