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

+ CRL.REV.P. 537/2018

SHYAMPAL

..... Petitioner

Through Mr. Honey Khanna and Mr. Ranjith
Kumar, Advs.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through Mr. G.M. Farooqi, Addl. PP for the
State with SI Sachin

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **01.06.2018**

Crl. M.A. 11306/2018 (Exemption)

Allowed, subject to all just exceptions.

Crl. M. (Bail) 996/2018 (suspension of sentence)

1. The petitioner impugns judgment dated 30.05.2018 whereby appeal of the petitioner impugning order on conviction dated 15.11.2016 and order on sentence dated 18.11.2016 has been rejected.
2. Learned counsel for the petitioner submits that the subject complaint under Section 138 of the Negotiable Instruments Act was filed on false facts. It is contended that the allegations of the complainant are that the complainant had given a loan of Rs. 7 lakhs to the petitioner and in discharge thereof the petitioner had issued the subject cheques.
3. Learned counsel for the petitioner points out that the complainant



has not given any details such as – how and when/on what date and in what manner the said amount of Rs. 7 lakhs was loaned to the petitioner. It is submitted that the parties were not even known to each other. However, the allegation is that the complainant knew the petitioner for the last 10 years. No document of any loan is alleged to have been executed. No receipt is alleged to have been executed and the alleged loan is given for business purpose without any interest.

4. The allegation in the complaint is that respondent had agreed to get a loan of Rs. 7 lakhs arranged for the petitioner. However, thereafter the complaint does not specify as to how the said amount was paid to the petitioner. Learned counsel for the petitioner submits that it is unbelievable that a person grants a business loan and hand over the amount without any interest or receipt.

5. Issue notice. Notice is accepted by learned Addl. PP for the State.

6. Subject to petitioner's furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount, the operation of the impugned judgment shall remain stayed till the next date of hearing.

7. Renotify on 27.09.2018.

8. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JUNE 01, 2018
'rs'