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

+ **CRL.L.P. 1/2019**

MOHD. SABIR

..... Petitioner

Represented by: Mr. Mohit Sharma, Advocate.

versus

AAMIL KHAN

..... Respondent

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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07.01.2019

Crl.M.A. No. 29/2019

For the reasons stated in the application delay of 93 days in re-filing the petition is condoned.

Application is disposed of.

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Learned counsel for the petitioner contends that the learned Trial Court accepted the defence of the respondent which he took for the first time in his statement under Section 313 Cr.P.C. that the cheques in question were given to the petitioner by the respondent for getting ATM cards issued. No such defence was either taken in the reply to the notice which was never given, nor at the time of framing of notice, nor a suggestion of this nature was given to the petitioner when he appeared in the witness box.

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Notice be issued to the respondent on the petitioner taking steps through ordinary and dasti process, registered AD and speed post, returnable on 8th August, 2019.

In the meantime, Trial Court record be called for.

MUKTA GUPTA, J.

JANUARY 07, 2019
‘yo’