

51 CC NI ACT 1716/2021 SEEMA SINGH Vs. ROHIT KUMAR SHARMA /0 (Madhu Vihar) Misc. cases

11.11.2022

Matter taken up through VC on CISCO Webex.

Present: Sh. Ankit Tandon, Counsel for the complainant.
Mr. C.L. Rahi, Counsel for the accused with accused.

Ld. counsel for the accused has submitted that he has sent the scanned copy of the bail bond/surety bond along with copy of ID proof of accused and surety on the email ID of the Court. Perused. Hard copy of the same has also been handed over to the Reader. Reader/Ahlmad of the Court is directed to upload the same on layers 2.0. Same is accepted conditionally till NDOH as Original RC has not been filed. Surety is directed to file the same before NDOH.

Original RC be retained on record whenever filed. Robkar be issued.

The submissions have been heard on the point of Notice u/s 251 Cr.PC. I have perused the record. Accordingly, a notice for offence punishable under Section 138 N.I. Act under Section 251Cr.PC. has been framed, read over, explained to and served upon the accused to which he pleaded not guilty and claimed trial. Plea of defence of accused also recorded.

At this stage, statement of accused under Section 294 Cr.PC. has also been recorded.

Accused has admitted his signatures on the cheque in question as well as the cheque return memo.

Consequent to admission, witnesses cited at serial no.2 and 3 in list of witnesses by complainant stand dropped.

Ld. counsel for the accused has orally made a request under Section 145(2) NI Act for cross-examining the complainant. Heard. Perused.

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Ld. Counsel for the complainant has submitted that he has no objection to the same.

Keeping in view the defence raised by the accused, I am of the considered opinion that the cross-examination of the complainant is pertinent to facilitate the course of justice.

This Court further does not deem it appropriate/desirable to try the case as a summary trial, since sentence for imprisonment exceeding one year may have to be passed, if the trial results in conviction, therefore, this case would be tried as summons trial case.

In view of the modalities explained, Reader-cum-Ahlmad is directed to email the **“High Court of Delhi Rules for Video Conferencing for Courts 2021”** notified on 26.10.2021 and **“The Guidelines/SOP evolved in compliance with the Project Implementation Guidelines of 2020 for Digital NI ACT Courts in Delhi”**, to the parties which have been shared by the undersigned with the Reader-cum-Ahlmad. The said Rules and Guidelines will be followed for the recording of evidence.

The parties are directed to carry their original Identity Card (Adhaar Cards, if not available any other Government approved identity card along with photocopies of the same) and appear at Court room no. 408, New Building, Karkardooma Courts. All the parties along with the counsels are directed to be present in person on the next date of hearing at the aforesaid designated place.

Put up for CE on 01.02.2023.

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(Anmol Nohria)
MM (NI ACT) Digital Court
Shahdara/KKD/Delhi
11.11.2022