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

+ **CRL.M.C. 4232/2024 & CRL.M.A. 16065/2024**

HEMAKUMAR PARTHASARTHY Petitioner

Through: Mr. Deepak Vashisht,
Adv. through V.C.

versus

M/S SHARE INDIA SECURITIES LTD AND ORS

..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **22.05.2024**

CRL.M.A. 16066/2024 (*exemption from filing certified copies of the annexures attached with the petition*).

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 challenging the order dated 24.02.2015, passed by the learned Metropolitan Magistrate, South District, New Delhi, in CC No. 8773/2017 (old CC No. 3010/2014), whereby the petitioner was summoned in the complaint under Section 138 of the Negotiable Instruments Act, 1881.

4. The learned counsel for the petitioner submits that admittedly the cheque which is subject matter of the complaint was issued on 06.08.2013.

5. He submits that prior to the issuance of the said cheque, the petitioner had resigned on 22.07.2013, and hence, he could



not have been held vicariously liable for any offence committed by the accused company.

6. He relies upon the copy of the master data in the records of the Ministry of Corporate Affairs to show that the petitioner had resigned on 22.07.2013.

7. He submits that the present petition has been filed belatedly since the petitioner was hopeful that the trial would be concluded expeditiously.

8. He submits that the complaint has not proceeded since Accused No. 1, that is, Respondent No.2 in the present case, is yet to be served. He submits that the pendency of the complaint case has caused great hardship and prejudice to the petitioner.

9. Issue notice.

10. Notice be served through all permissible modes.

11. The petitioner is also permitted to serve the notice through the learned counsel for the respondents who represents them before the learned Trial Court.

12. The petitioner is exempted from personal appearance before the learned Trial Court till the next date of hearing.

13. List on 09.09.2024.

AMIT MAHAJAN, J

MAY 22, 2024

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