

---

**(2001) 10 DEL CK 0087**

**In the Delhi High Court**

**Case No :** Criminal Misc. Main Petition No. 3719 of 2001

Pankaj Kapoor

APPELLANT

Vs

State and Others

RESPONDENT

---

**Date of Decision :** 19-10-2001

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 200  
Negotiable Instruments Act, 1881 (NI) — Section 138

**Citation :** (2003) 2 BC 703 : (2003) 3 CivCC 57 : (2003) 104 DLT 737(2)

**Hon'ble Judges :** R.S. Sodhi, J

**Bench :** Single Bench

**Advocate :** Sanjay Agnihotri, for the Appellant; U.L. Watwani, for the Respondent

---

## **Judgement**

R.S. Sodhi, J.

CrI. M.(M) 3719/2001:

1. This petition is directed against the order of the learned Metropolitan Magistrate dated 27.9.2001, whereby the learned Magistrate has rejected the application of the petitioner to take on record the affidavit of the complainant and the documents in support of the complaint filed u/s 138 of the Negotiable Instruments Act.

2. Learned Counsel for the State submits that in spite of judgment of the Delhi High Court in Bips Systems Limited Vs. State and Another, , which clearly gives the Magistrate the power to accept affidavit of the complainant and witnesses, if any and to proceed further without recording statements u/s 200, Cr.P.C, the same is not being followed.

3. I am pained to notice such utter disregard by the Magistrate of the High Court directions. The idea behind the order is to speed up justice, which again was in keeping with the directions of the Supreme Court. The Magistrate in not following the judgment of the High Court has done disservice to this case. I direct the Magistrate to apply his mind afresh to the application of the petitioner, keeping in

mind the judgment of the High Court and giving effect thereto.

With this direction CrI.M.(M) 3719/2001 is disposed of.

This order be sent to the Court concerned through a special messenger.