

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1000/2020

Gabbar Singh S/o Shri Jagdish Dhanka, R/o Torda Gujran, Tehsil Kotputali, District Jaipur, Raj.

----Accused-Petitioner

Versus

1. S.K. Fincorp Limited, G-1 And 2, New Market, Khasa Kothi Circle, Jaipur, Through Its Authorized Officer Jagdish Kumawat

----Complainant/Respondent

2. State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Bheem Singh Dabla

For Respondent(s) : Mr. Prashant Sharma, PP

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

30/01/2021

This criminal miscellaneous petition has been filed against the order dated 25.11.2019 passed by learned Additional District & Sessions Judge No.17, Jaipur Metropolitan, whereby the revision petition filed by the petitioner against the order dated 30.09.2019 passed by learned Special Metropolitan Magistrate (Negotiable Instrument Act Cases) No.8, Jaipur Metropolitan framing charge against the petitioner under Section 138 of the Negotiable Instruments Act (for short "the Act of 1881), has been dismissed.

Assailing the order, learned counsel contended that while the cheque was issued to M/s Ess Kay Auto Finance Pvt. Ltd, the complaint has been filed by Ess Kay Fincorp Ltd. He submitted

that the cheque in question is forged and fabricated and prayed for quashing the order impugned.

Heard the learned counsel for the petitioner and perused the record.

Para 1 of the complaint categorically mentions that name of the complainant company earlier was Ess Kay Auto Finance Pvt. Ltd. and hence, contention of the learned counsel for the petitioner deserves to be rejected. Even otherwise also, Section 138 of the Act of 1881 entitles holder of the cheque in due course to file complaint thereunder. Insofar as the contention of the learned counsel that the cheque is forged and fabricated; there is no material on record to substantiate the submission. Even otherwise also, the petitioner is at liberty to raise all pleas in defence at the appropriate stage. The order impugned does not reveal any perversity or illegality therein warranting interference of this Court under its extraordinary jurisdiction vide Section 482 Cr.P.C..

Therefore, this criminal miscellaneous petition is dismissed.

(MAHENDAR KUMAR GOYAL),J

सत्यमेव जयते