

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p><u>C482 No. 728 of 2024</u></p> <p><u>Hon'ble Rakesh Thapliyal, J.</u></p> <p>1. Mr. Pawan Mishra, learned counsel for the applicant.</p> <p>2. Mr. Akshay Latwal, learned Brief Holder for the State.</p> <p>3. By the instant C 482 application the applicant is challenging the proceeding of Criminal Case No. 2207 of 2019, M/s Deep Jewellers vs. Deepak Singh Pal, which is a proceeding initiated on the complaint of respondent under Section 138 of the Negotiable Instruments Act, pending in the court of Judicial Magistrate 1<sup>st</sup> Dehradun.</p> <p>4. Brief facts, of the case are that respondent no. 2 filed a complaint on 05.04.2019 for the offence punishable under Section 138 of the Negotiable Instruments Act with the allegation that on 01.12.2018, the applicant had issued a cheque of Rs. 8,53,781/- but when this cheque was presented in the bank for encashment same was dishonoured. On the said complaint the learned Judicial Magistrate took cognizance and summoned the present applicant to face the trial, and thereafter the applicant surrendered before the Trial Court on 09.01.2020 and on the same day he was enlarged on bail.</p> <p>5. On 13.01.2020, respondent no. 2/complainant moved an application under Section 143A of N.I Act before the Trial Court wherein it was prayed that the applicant/accused be directed to deposit 20% of the cheque amount. Thereafter, the Trial Court on 17.12.2022, allowed the application of the respondent/complainant under Section 143A of the Negotiable Instruments Act and directed the applicant</p>

		<p>to deposit 20% of the cheque amount in the Trial Court within 10 days from the date of passing of the order. Certified copy of the order dated 17.12.2022 is also enclosed as Annexure 4.</p> <p>6. Ms. Radha Arya, learned counsel who put her appearance on behalf of the respondent/complainant submits that present applicant has not approached with clean hands as he has suppressed the order passed by the Judicial Magistrate-1<sup>st</sup> dated 19.03.2024. The certified copy of the order dated 19.03.2024 placed before this Court and this Court perused the order dated 19.03.2024 which reflects that the present applicant gave an undertaking to deposit the amount as directed by the trial court by order dated 17.12.2022. It appears that the present applicant has not approached with clean hands and he has deliberately suppressed the order dated 19.03.2024.</p> <p>7. Since the present applicant has not approached this Court with clean hands and suppressed the order dated 19.03.2024, consequently the present C482 application is dismissed with a cost of Rs. 25,000/- which the applicant shall deposit in the head of Legal Services Authority within a month from today.</p> <p style="text-align: right;">( Rakesh Thapliyal, J.) 28.06.2024</p> <p>Parul</p>
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