



**IN THE COURT OF
SESSIONS JUDGE AT KANPUR NAGAR**

In Presence of: Anmol Pal,...H.J.S.

Criminal Revision No. 209 of 2026

Vinod Kumar Sankhwar aged about 44 years son of Late Kali Charan Sankhwar resident of E-2/271 Deen Dayalpuram, Taudhakpur, Nihal Baba Mandir Galla Mandi, Naubasta, Kanpur Nagar.

.....Revisionist

Versus

1. State of Uttar Pradesh through District Government Counsel (Criminal).
2. M/s Bhargav Hospital 15/263 Civil Lines Kanpur Nagar through partner Dr. Sanjeev Prakash Bhargav adult son of Late Ved Prakash Bhargav resident of 15/263 Civil Lines, Police Station Kotwali, Kanpur Nagar.

.....Opposite Parties

J U D G M E N T

1. This criminal revision is preferred by Vinod Kumar Sankhwar against the order dated 06.11.2025 passed by the Court of Special Judicial Magistrate, Court No. 01, Kanpur Nagar, Police Station Kotwali, Kanpur Nagar, in Complaint Case No. 20101 of 2023 (M/s Bhargav Hospital Vs. Vinod Kumar). By the impugned order, revisionist Vinod Kumar Sankhwar is summoned under Section 138 of the Negotiable Instruments Act (hereinafter referred as, 'N.I. Act').
2. The revisionist has moved the present revision against the impugned order on the ground that the revisionist is a qualified medical doctor by profession, is a law-abiding citizen, and is the sole surviving son of his family. The Revisionist had served as a doctor with M/s Bhargava Hospital, Civil Lines, Kanpur Nagar, for more than eight years. The Complainant deliberately concealed this material fact from the learned

Trial Court. The Complainant has not filed any documentary evidence to establish his status as a partner of the said firm. Despite the absence of such evidence, the learned Trial Court passed the impugned summoning order dated 06.11.2025, which is illegal and liable to be set aside. The learned Trial Court erroneously observed that the statutory notice dated 03.11.2023 had been served upon the Revisionist without specifying the actual date of service. Even according to the tracking report relied upon by the Complainant, the entries merely mention "Item Received" on 04.11.2023, 07.11.2023 and 08.11.2023. The Revisionist never received any statutory notice on any of the said dates. The Complainant made incorrect averments regarding service of notice, and the learned Trial Court committed a legal error by relying upon the same while passing the impugned summoning order. The impugned order has been passed in violation of the mandatory provisions of the Negotiable Instruments Act, 1881, and is therefore unsustainable in law. The Complaint has been instituted with the sole intention of making unlawful monetary gains by suppressing material facts and preparing an arbitrary bill. No bill or supporting document has been filed before the learned Trial Court. Ignoring this material deficiency, the learned Trial Court passed the impugned summoning order, which is contrary to law and liable to be quashed. The true facts are that the Revisionist was employed as a doctor at M/s Bhargava Hospital. On 15.03.2022, he got his father admitted to the said hospital under a valid cashless health insurance policy bearing No. 2811204164227100000, which remained valid till 31.05.2022. At the time of admission, the Hospital obtained Cheque No. 000014 from the Revisionist only as a security cheque. The cheque bore only the Revisionist's signatures, while the date and amount were left blank. The bank account on which the cheque was drawn was a joint account of the Revisionist and his father. The Revisionist's father unfortunately expired on 20.03.2022. Since the Revisionist was the only son and his mother had already passed away earlier, he had to shoulder the entire responsibility of the family. Owing to the emotional trauma caused by the demise of his father, he

also resigned from his employment at the Hospital. During the treatment of his father, the Hospital informed the Revisionist that medical expenses amounting to Rs. 1,60,000/- were payable, which were paid by him in cash. However, no receipt for the said payment was ever issued. After the death of his father, when the Revisionist requested the Hospital to return the security cheque, he was informed that the cheque was not immediately traceable and that it would be returned later. Since the Revisionist had worked at the Hospital and reposed complete trust in the management, he believed that the cheque would not be misused. Thereafter, the Hospital authorities pressurized the Revisionist to rejoin his employment. However, owing to his family responsibilities and personal difficulties, he declined the offer, which annoyed the Hospital authorities. The Revisionist came to know about the present complaint only upon receiving information from the police. Thereafter, he contacted his counsel, who moved an application for inspection of the record on 11.02.2026. Inspection was conducted on 13.02.2026, and thereafter an application for obtaining a certified copy of the summoning order dated 06.11.2025 was also filed. Upon inspection of the record, the Revisionist came to know that the Complainant had misused the blank security cheque by filling in an arbitrary amount and date, dishonouring the cheque, and thereafter filing the present false complaint with the sole intention of making unlawful monetary gains. The learned Trial Court failed to appreciate these material facts while passing the impugned summoning order, which is liable to be set aside in the interest of justice.

3. The record of learned trial Court is placed before this Court.
4. Heard both the learned counsels at length and perused the Trial Court Record.
5. The learned trial Court has passed the order on the following ground that the cheque bearing No. 000014 for a sum of Rs. 1,72,595/-, drawn on Bandhan Bank, Kidwai Nagar Branch, Kanpur Nagar, was presented by the Complainant, M/s Bhargava Hospital, and was

dishonoured by the Bank of Baroda, Civil Lines Branch, Kanpur Nagar, on 07.10.2023. The learned Trial Court further observed that the statutory legal notice dated 03.11.2023 had been served upon the accused and that the Complainant had complied with all the mandatory requirements of Section 138 of the N.I.Act. Upon hearing the learned counsel for the Complainant and perusing the material available on record, the learned Trial Court concluded that a *prima facie* offence under Section 138 of the N.I. Act was made out against the accused and, accordingly, passed the impugned summoning order dated 06.11.2025. At the stage of revision, this Court is required to examine whether the learned Trial Court has passed the impugned order in accordance with law after proper application of judicial mind and upon due consideration of the material available on record.

6. From the perusal of the Trial Court record, it is clear that the cheque in question was issued by the revisionist in favour of M/s Bhargav Hospital. The cheque, when presented for encashment, was returned unpaid by the Bank with the endorsement "Funds Insufficient" on 07.10.2023. Thereafter, a statutory legal notice dated 03.11.2023 was sent to the revisionist through Speed Post bearing Consignment No. "EU204917938IN", which, as per the tracking report available on record, was delivered to the addressee on 08.11.2023 at Govind Nagar S.O., Kanpur Nagar. The notice was issued within the statutory period of thirty days from the date of dishonour and granted fifteen days' time to the revisionist for making payment of the cheque amount. Thus, the mandatory requirements of Section 138 of the N.I.Act have *prima facie* been complied with. At the stage of summoning, the learned Trial Court was only required to examine whether a *prima facie* case was made out on the basis of the material available on record. Upon perusal of the record, this Court finds that the learned Trial Court has passed the impugned summoning order after due consideration of the material placed before it and has committed no illegality, irregularity or jurisdictional error warranting interference in revisional jurisdiction.

7. Consequently, the instant revision is devoid of merit and is liable to be dismissed.

ORDER

8. The criminal revision is hereby dismissed.

9. The impugned order dated 06.11.2025 passed by the Court of Special Judicial Magistrate, Court No. 01, Kanpur Nagar, in Complaint Case No. 20101 of 2023 (M/s Bhargav Hospital Vs. Vinod Kumar), is affirmed.

10. Let a copy of this order along with the lower Court record be transmitted forthwith to the Court concerned for information and necessary compliance.

11. File be consigned to record room after due compliance.

Dated: 06.07.2026

(Anmol Pal)
ID-UP1880
Sessions Judge,
Kanpur Nagar.

Judgment signed, dated and pronounced by me in the open Court today.

Dated: 06.07.2026

(Anmol Pal)
ID-UP1880
Sessions Judge,
Kanpur Nagar.