



**IN THE COURT OF ADDL. SESSIONS JUDGE/
SPECIAL JUDGE (NDPS ACT)
COURT NO.-III, PILIBHIT**

Present : Vijay Kumar Himanshu, J.O. Code-UP2752

Bali Hussain vs State of UP & Anr.

Criminal Revision No.-328/2025

1. A revision application vide no. 328/2025 has been filed against the order of Ld. CJM dated 24.1.2018 in the matter of Suresh Chandra Vs Bali Hussain u/s 138 of NIA Act, ps Kotwali, Pilibhit. The Ld. CJM in its order after the recording the statement of complaint u/s 200 and its supporting witness on oath and after examining Cheque, dishonour memo, notice and registered AD has issued summon u/s 138 of NIA Act. The revision is against the summoning order of the Ld. CJM order dated 24.1.2018.

2. The brief prosecution story is that the revisionist Bali Hussain s/o Shaeed Aehmed is MD (Managing Director) of A.G Microfinance and proprietor of Augment Green Garments Udhyog. The agent/employee of the said microfinace company Taukid Aehmed s/o Suleman has got invested money in the microfinace company. After maturity of the invested money the Opposite Party demanded the money which after several reminder was allegedly paid vide cheque no. 000443 dated 16.08.2017 of amount 69,000/- and another cheque no. 000442 dated 26.08.2017 of amount 30,240/- was issued which was in the name of Augment Green Garments Udhyog bearing account no. 49340200000063 in Bank of Baroda Branch Tanakpur Road PS Kotwali, Pilibhit. The Cheque was however dishonoured on 10.10.2017 and notice was served on 09.11.2017. Hence the summoning order by the Ld. CJM against which the Revisionist filed.

3. The Ld. Counsel for the Revisionist submits that the cheque was issued to the Opposite Party by Taukid Aehmed s/o Suleman and the revisionist has not issued the cheque. Therefore, the order dated 24.01.2018 is not sustainable. The Ld. Counsel further submits that the alleged notice dated 09.11.2017 was not received by the Revisionist because the revisionist was lodged in District Jail Pilibhit from 18.08.2017 to 23.12.2017. And as such no notice has not received by the revisionist even through the jail authorities. The Ld. Counsel therefore, submits that the order of Ld. CJM is not sustainable under las described under NIA Act u/s 138. Therefore, Ld. Counsel prays that order dated 24.01.2018 may be set aside.

4. The Ld. Counsel for the Opposite Party submits that the cheque was issued on behalf of Augment Green Garments Udhyog whose proprietor is the revisionist and also he is the Managing Director of A.G Microfinance. Being the Managing Director and proprietor of Augment Green Garments Udhyog in whose name the cheque has been issued. Therefore,

the claim of the Revisionist that the cheque was not issued by him is erroneous and his liability as proprietor of the Augment Green Garments Udhyog and as MD of A.G Microfinace is absolute. The dishonor of cheque due to insufficiency of fund, supported by dishonor voucher along with the service of notice through registered AD in which recipient name is Bali Hussain s/o Shaeed Aehmed. Therefore, the Ld. Counsel submits that the revisionist has committed an offence u/s 138 of NIA Act and hence his liability is absolute. Therefore the order of Ld. CJM is legal and justified.

5. I have heard the submission of both the Ld. Counsels and perused the material on record. The fact that two cheques bearing no. 000443 and 000442 respectively of amount 69,000/- and 30240/- was issued by and behalf of Augment Green Garments Udhyog whose proprietor is the revisionist Bali Hussain. The revisionist is further also the MD of A.G Microfinance. The maturity amount of money was paid against the money deposited in the scheme of Microfinace company. Therefore, the liability of the revisionist is absolute. The cheque issued and the cheque bounced voucher issued by Bank of Baroda stating that dishonor was due to insufficiency of fund and service of notice through registered AD in the name of revisionist clearly establish that the essential for commission of offence u/s 138 of NIA Act is clearly established. Therefore, this Court finds that the Ld. CJM while issueing the summoning order has not committed any irregularity, impropriety and illegality. Therefore, the Court finds that this Revision is devoid of merit and is liable to be rejected.

Order

The revision Application vide no. 328/2025 (Bali Hussain vs State of UP & Anr.) against the order Ld. CJM dated 24.01.2018 is hereby dismissed and the file be ramanded back CJM for further proceedings.

Dated: 05.08.2026

(Vijay Kumar Himanshu)
Additional Sessions Judge/
Special Judge (NDPS Act)
Court No.-III, Pilibhit.

This judgment is signed, dated and pronounced by me, in the open Court today.

Dated: 05.08.2026

(Vijay Kumar Himanshu)
Additional Sessions Judge/
Special Judge (NDPS Act)
Court No.-III, Pilibhit.