UPRB010025552026

IN THE COURT OF SESSIONS JUDGE, RAE BARELI.

Presiding Officer:-Amit Pal Singh, HJS.UP05691
Criminal Revision No.88 of 2026

Yuco Bank, Branch Rae Bareli, District Rae Bareli, through Branch Manager Devesh Gautam.

-----Revisionist/Complainant

Vs.

1- State of Uttar Pradesh through District Government Counsel (Criminal), District Rae Bareli;

2- Jagdendra Pratap Singh son of Jagat Ranveer Singh, resident Karhiya Bazar, Salon, Pyarepur, Pargana and Tehsil Salon, District Rae Bareli.

-----Opposite Parties

J U D G M E N T

01- This Criminal Revision has been filed by the revisionist/ complainant under Section 438/440 BNSS (397/399 Cr.P.C.) against order dated 30-03-2026 passed by the Ist. Addl.Chief Judicial Magistrate, Rae Bareli, in Complaint Case No.5734 of 2023 Uco Bank Vs. Jagdendra Pratap Singh, under Section 138 Negotiable Instrument Act, Police Station Kotwali Nagar, District Rae Bareli.

02- Brief facts arising out of the present criminal revision are that the complainant/revisionist UCO BANK, a body corporate constituted under the Banking Companies (Acquisition & Trnasfer of Undertakings) Act (V) of 1970 having its head offce at 10, B T M Sareni, Kolkata-700 001 and the Branch Office against other places at Kutchehari Road Rae Bareli, District Rae Bareli. Mr.Vaibhav Kumar Gupta is duly authorized officeer of the complainant, who is fully conversant with the facts of the case as per information received and derrived from the records and the books of the Complainant, mentioned in usual and ordinary course of business and competent to sign and verify the pleadings for and on behalf of the complainant and instituted the complaint in the court to prosecute the accused. Mr.Vaibhav Kumar Gupta is a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 and has filed the present complaint in his official capacity and dealing the business of banking within the meaning of

Section 5 of Banking Regulation Act, 1949 (10 of 1949) and is performing its work and duties under the relevant guidelines of Reserve Bank of India for the benefit of the people at large.

03- The accused had approached the Complainant and requested to grant financial assistance in the form of Credit Facility Housing Loan of Rs.55,00,000/-(Rs.fifty five lacs) and for the purpose of purchasing of house on the terms and conditions of the Complainant stipulated thereon The complainant had duly signed and executed all the necessary document of Loan including her personal guarantee agreement in favour of the complainant for the due repayment of the Loan. Thereafter, the entire loan which was payable on demand was released to the accused. The accused in discharge of the part of his debts and liabilities towards the repayment of the principal amount and interest on the Loan issued and delivered a cheque bearing no.000037 dated 08-12-2022 for Rs.40,46,562/-(Four lacs forty six thousand five hundred sixty two) drawn on the bank of Baroda Rae Bareli, branch District Rae Bareli. The complainant in due course and within the validity period presented the above cheque to its banker, Bank of Baroda Rae Bareli branch District Rae Bareli for collection and crediting the proceedings thereof in its accounts. However, the said cheque was received back by the Complainant on 23-01-2023 as dishonoured vide cheque returning memo dated 23-01-2023 issued by the banker of the accused assigning the reason of the dishonour of the cheque as “PAYMENT STOPPED BY DRAWER’’. In consonance with the provisins of Section 138 read with Section 142 of the Negotiable Instrument Act governing the dishonour of the chequethe complainant vide notice dated 08.02.2023 called upon the Accused to pay the cheque amount of Rs. 40,46,562/-(Fourty Lakh Fourty Six Thousand Five Hundred Sixty Two) to the Complainant with 15 days from the receipt of the said notice. The said notice was dispatched to the Accused at his residential address by its registered post on 08.02.2023. That the notice referred above has been delivered and received by the Accused in normal course of postal delivery. The receipt of peed Post along with acknowledgement of Delivery is being filed herewith separately with the list of documents. That the said notice was dispatched to the Accused at his residential address registered post on dated 08.02.2023. That the notice referred above has been delivered and received by the Accused in normal course of postal delivery. The accused did not intend to pay the said amounts. Therefore, the complainant files this complaint against the accused, which is within limitation period under Section 142(b) of the Negotiable Instrument Act. Cause of action has arisen at Rae Bareli and this court has jurisdiction to entertain and try this complaint and summon the accused but on 30-03-2026 aforesaid complain was dismissed under Section 203 Cr.P.C. by the learned court below in the absence of complainant.

04- Being aggrieved by the aforesaid order this criminal revision has been preferred by the revisionist on the grounds that:-

05- The order dated 30-03-2026 is not legal and true and it has been passed beyond the legal principle established by the law and ingoring the rules. In the said complainant previous lawyer Atul Kumar Trivedi had died in the month of November due to sudden accident, hence, bank did not know the status of case and dates fixed in the court due to which authorised person by the bank for doing the pairwi of the case could not appear before the court. Absence of bank was not deliberately but it was due to the sad demise of his Advocate. Bank is not a person, but bank is an institution, which take time to appoint new counsel. Bank has filed the case for recovery of loan if complaint was dismissed, bank will face irreparable loss. Therefore, keeping in view the aforesaid facts and circumstances, revision filed by the complainant/bank may kindly be allowed and imugned order passed by the learned lower court dated 30-03-2026 may kindly be set-aside.

06- Heard the learned Counsel for the revisionist/complainant and perused the concerned file.

07- The learned Counsel for the revisionist has submitted that revisionist/ complainant has filed a complaint under Section 138 N.I.Act against respondent No.2/O.P. on 01-03-2023 and since then complaint was pending till 30-03-2026, and on 30-03-2026 it was dismissed under Section 203 Cr.P.C. on account of failure of revisionist/complainant’s counsel.

08- The learned Counsel for the revisionist/complainant has also submitted that during the aforesaid period file was transferred to different courts and on account of death of revisionist/complainant UCO bank’s Counsel neither further proceeding were carried out nor the revisionist/complainant’s counsel was present on the date fixed, in question. The learned Counsel for the revisionist/complainant has submitted that in view of the facts and circumstances, just to provide an opportunity to the revisionist/complainant for taking legal action for unpaid loan, against the respondent no.2/O.P. order dated 30-03-2026 be set-aside and present criminal revision be allowed and the impugned order dated 30-03-2026 be set-aside.

09- Admittedly, the revisionist/complainant is a body corporate constituted under the Banking Companies (Acquisition & Transfer of Under-takings) Act (V) of 1970 and it is also alleged by the complainant that Mr.Atul Kumar Triwedi, Advocate, who was representing the revisionist/complainant in the complaint, in question, had died due to sudden accident in the November, 2025. On account of that due to legal process to engage an Advocate as an authorised person to represent the revisionist/complainant, the absence of the bank is not deliberate one and to provide an opportunity to the revisionist/complainant to recover his debt from Respondent/O.P., the criminal revision deserves to be allowed and the impugned order passed by the learned lower court be set-aside.

10- At this stage from the perusal of the impugned order and the complaint, in question, it is crystal clear that the revisionist had filed a complaint before the learned lower court on 01-03-2023 through his Advocate Mr.Atul Kumar Triwedi and after that no proceeding could be drawn by the court concerned and complaint was transferred to the different courts and ultimately the complaint has been dismissed by the order dated 30-03-2026 mainly in the absence of revisionist/complainant on the date fixed for further proceedings. As the Complainant/Revisionist is a body corporate constituted under the Banking Companies (Acquisition & Transfer of Undertakings) Act (V) of 1970 and the sudden death is also additional ground for the absence of complainant before the learned lower court on the date fixed hence just to provide an opportunity to the complainant, the present criminal revision deserves to be allowed and the impugned order dated 30-03-2026 passed by the learned lower court deserves to be set-aside.

ORDER

This Criminal Revision is, hereby, allowed and the order dated 30-03-2026 passed by the Ist. Addl.Chief Judicial Magistrate, Rae Bareli, in Complaint Case No.5734 of 2023 Uco Bank Vs. Jagdendra Pratap Singh, under Section 138 Negotiable Instrument Act, Police Station Kotwali Nagar, District Rae Bareli, is, hereby, set-aside. File of the learned lower court is sent back to the learned lower court for passing appropriate order.

(Amit Pal Singh)
UP05691
Sessions Judge, Rae Bareli.
24-06-2026

Judgment and order signed, dated and pronounced today in the open court.

(Amit Pal Singh)
UP05691
Sessions Judge, Rae Bareli.
24-06-2026

Sarita

Digitally signed by AMIT PAL SINGH
Date: 2026.07.01 12:20:24 IST
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