

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 502 of 2022

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DINESHKUMAR LACHCHU SINGH

Versus

STATE OF GUJARAT

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Appearance:

MR SHIRISH R PATEL(5605) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR RONAK RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 17/01/2022

ORAL ORDER

Heard learned advocate for the applicant. It is submitted that *prima facie* the ingredients of the alleged offence under Section 138 of the Negotiable Instruments Act are not made out in the impugned FIR. It is further submitted that the present applicant - original accused has not signed the cheque in dispute, copy of which is placed on record at page 35 of the compilation. After referring to the said document, it is submitted that the said cheque has been signed by one Saurabh Bhadana and not by the present applicant. It is further submitted that applicant is not joint account holder with the aforesaid person, in spite of that, now the impugned proceedings have been initiated against the present applicant also, which is not permissible. In support of the said contention, learned advocate for the applicant has placed reliance upon the decision rendered by the Hon'ble Supreme Court in the case of Alka Khandu Avhad v.

Amar Syamprasad Mishra and Anr., reported in (2021) 4 SCC 675.

In view of the aforesaid submissions canvassed by learned advocate for the applicant, issue notice to the respondents returnable on 25.04.2022. Learned APP waives service of notice qua respondent - State. Till the next date of hearing, ad-interim relief in terms of para 7(c) is granted.

(VIPUL M. PANCHOLI, J)

LAVKUMAR J JANI