

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 1825 of 2020****=====**
ANOOP KUMAR TRIVEDI**Versus****STATE OF GUJARAT**
=====**Appearance:****MR RUTVIJ S OZA(5594) for the Applicant(s) No. 1****NOTICE SERVED for the Respondent(s) No. 2****MS. MAITHILI D. MEHTA, APP for the Respondent(s) No. 1**
=====**CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 26/08/2022****ORAL ORDER**

1. Heard Mr. Rutvij S. Oza, learned counsel appearing for the applicant.
2. Respondent No.2- original complainant, though served, has chosen not to appear.
3. Leave to amend / leave to correct the Criminal Case number. The same be carried-out forthwith.
4. The accused no.2- Mr. Shyam Karan Trivedi is proprietor and present petitioner is guarantor of the accused no.1 proprietorship firm – M/s. Rudraksh Steels. The accused no.2 i.e. the proprietor of the accused no.1 is the drawer of the cheque. The details of the cheque reads thus:

Cheque No.	Date	Amount (Rs.)	Drawn upon
913891	29.08.2019	Rs.2,23,64,366/-	Yes Bank Limited, Hazratganj, Lucknow- 226001 Branch

5. Though the applicant herein is a guarantor in the accused no.1 company, the applicant herein – accused no.3 is not the drawer of the cheque. The aforesaid complaint is filed under Section 138 of the Negotiable Instruments Act, 1881.

6. Mr. Rutvij S. Oza, learned counsel appearing for the applicant has relied on the decision in the case of ***Aparna A. Shah v/s. Sheth Developers Pvt. Ltd. & Ors.*** reported in ***(2013) 8 SCC 71*** mainly relied on Para-26, 22 and 23.

7. Considering the submissions advanced by Mr. Oza, learned counsel appearing for the applicant, it requires consideration. Issue ***Rule*** returnable on ***20.10.2022***. Ms. Maithili D. Mehta, learned APP waives service of notice of Rule on behalf of the respondent no.1-State.

8. Interim relief in terms of Para-7(B) is granted.

9. It is however clarified that the complaint being Criminal Case No. 92528 of 2019 shall continue qua other accused persons in accordance with law.

(VAIBHAVI D. NANAVATI,J)

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