

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 13115 of 2024**

With

R/CRIMINAL MISC.APPLICATION NO. 13463 of 2024

=====

RAJSHA PHARMACEUTICALS THROUGH RAJENDRA SHANTILAL SHAH

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

MR SAMIR AFZAL KHAN(3733) for the Applicant(s) No. 1

MR MANAN MEHTA, APP for the Respondent No.1 – State

**MR KISHAN N BRAHMBHATT, ADVOCATE for the Respondent No.2 (upon
instruction)**

=====

CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT

Date : 20/11/2024

ORAL ORDER

1. Heard Mr. S.A.Khan, learned advocate for the petitioner.

2. Mr. S.A.Khan, learned advocate for the petitioner points out from the notice issued to the present petitioner that eight blank pre-signed cheques were issued by the present petitioner as stated in the notice under Section 138 of the Negotiable Instrument Act dtd.10.01.2022 and the same cheques were given in the year 2015 and the cheques were blank and the amount were filled by the complainant and after a period of seven years, the aforesaid cheques were deposited and therefore, when the cheques were only signed

by the present petitioner and the amount was not written by the present petitioner, the proceedings on the basis of such cheques cannot be said to be inconsonance with the provisions of the Negotiable Instrument Act as well as as per the schedule article 34 of the Limitation Act, for such cheques the limitation period would be of three years and therefore, according to learned advocate Mr.S.A.Khan, the proceedings against the present petitioner are required to be stayed.

3. Considering the above submissions as well as on perusal of the records, issue notice to the respondents returnable on 20.12.2024. Learned advocates waive service of notice for and on behalf of the respective respondents.

4. In the meantime, there shall be interim relief in terms of para 5(c). Direct service is permitted.

5. The Registry to tag these matters along with Special Criminal Application No.10480 of 2023 and other cognate matters.

(SANDEEP N. BHATT,J)

M.H. DAVE