

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 8201 of 2022****BIJAL JAIMIN VYAS****Versus****STATE OF GUJARAT****Appearance:****MS ZEEL N RAVAL(10774) for the Applicant(s) No. 1
for the Respondent(s) No. 2****MR. PRANAV TRIVEDI, APP for the Respondent(s) No. 1****CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA****Date : 23/08/2022****ORAL ORDER**

- 1) Heard Ms. Zeel N. Raval, learned advocate for the petitioner.
- 2) Ms. Raval, learned advocate for the petitioner, at the outset, submitted that the cheque in question was issued by the petitioner towards the job security. Ms. Raval, submitted that petitioner was offered a job by way of offer letter dated 10.01.2022 to the post of '*Deputy General Manager (DGM) Regulatory affairs*' and asked to join the duty on or before 14.04.2022. However, later on, because of personal difficulty, the petitioner by way of an Email communication dated 30.03.2022 shown his inability to join organization and thereby requested to cancel the offer letter and to return the cheque, which was submitted at the time of signing offer letter towards the service security deposit.
- 3) Despite said communication, the complainant proceeded to deposit a cheque and upon being dishonored, the impugned complaint is filed under the provisions of Section 138 of the Negotiable Instrument Act came to be filed.

- 4) According to Ms. Raval, the provisions of Section 138 of the said act is not attracted as there cannot be any legally enforceable dues.
- 5) Considering the aforesaid submissions, issue ***NOTICE*** returnable ***21.02.2023***. Learned Additional Public Prosecutor appears and waives service of notice for and on behalf of the respondent-State.
- 6) In the meanwhile, there shall be an ad-interim relief in terms of paragraph 15(C).

VISHAL MISHRA

(NIRAL R. MEHTA,J)