

RC. Sharma vs Suresh Saini

Cr.MP(M) No. 766 of 2025

17.10.2025 Present: Mr. Aashish Kumar, Advocate, for the petitioner.

Heard.

As per record, the learned Sessions Judge, Una, District Una, H.P. has recorded the acquittal of the accused on the ground that that cheque was dishonoured on 20.03.2020 and the notice was required to be issued on or before 19.04.2020, however, the notice was issued on 03.06.2020 beyond the period of one month prescribed under Section 138 of Negotiable Instruments Act (NI Act) and the complaint is not maintainable.

Prima facie, it appears that the judgment of Hon'ble Supreme Court in *Re: Cognizance for Extension of Limitation, Suo Motu Writ Petition (C) No. 3 of 2020 along with connected matter, decided on 10.01.2022*, was not brought to the notice of learned Appellate Court vide which Hon'ble Supreme Court had excluded the period w.e.f. 15.03. 2020 till 28.02.2022 in computing the periods prescribed under the provisos (b) and (c) of Section 138 of NI Act inter alia. Hence, there are sufficient material to grant leave to appeal.

Consequently, the application is allowed and leave to appeal is granted.

The application stands disposed of.

Cr.Appeal No. 2025 (Filing No. CR.A/1841 of 2025)

Since leave to appeal has been granted to the applicant
vide order passed in Cr.MP(M) No. 766 of 2025.

It be registered.

Issue notice to respondent returnable within a period
of four weeks, on taking steps within a period of one week. In
the meanwhile record of the learned Courts below be
requisitioned.

(Rakesh Kainthla)
Judge

17th October, 2025
(ravinder)