

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 5990/2024

M/s Victory Flour Mills

-----Petitioner

Versus

Smt. Sneh Lata Goyal and Ors.

-----Respondents

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For Petitioner(s) : Mr. Sahil Mongia, Adv., through VC

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**HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

**Order**

**18/11/2024**

Learned counsel for the petitioner submits that complainant received information from the bank about dishonour of the cheque on 01.03.2016. Notice was sent on 02.03.2016 through advocate. Again on 14.03.2016, notice was sent, but same was received back with endorsement that drawer refused to accept on 26.03.2016. Learned counsel submits that it is alleged that the complainant made request to the petitioner to make payment of the cheque in question but the petitioner refused to make the payment. The complainant filed complaint under Section 138 of the N.I. Act on 28.03.2016, but same was withdrawn by moving application dated 16.05.2016. Thereafter, he filed second complaint under Section 138 of the N.I. Act on 30.05.2016, which is admittedly time barred, but learned trial Court failed to consider of this aspect at the time of taking cognizance.

Matter requires consideration.

Issue notice to the respondent No.1 through both the process. Rule is made returnable on the next date of hearing.



[CRLMP-5990/2024]

Requisites be filed within a period of one week, failing which this petition shall stand dismissed automatically without further reference to the Bench.

If needful is done within given time, list this matter on 12.12.2024.

(ANIL KUMAR UPMAN),J

MADAN/62