

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C-528 No. 875 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Anuj Kumar Tyagi, learned counsel for the applicant.</p> <p>2. The present criminal misc. application is filed with a prayer to set-aside and quash the chargesheet, cognizance/summoning order as well as the entire proceedings of Criminal Case No. 3530 of 2020, under Section 138 of Negotiable Instruments Act, 1881 pending in the court of learned Additional Chief Judicial Magistrate-III, Dehradun.</p> <p>3. The main ground raised in the present criminal misc. application challenging the summoning order is that though information about the dishonour of cheque was received to the complainant on 20.04.2020, but, notices under Section 138(b) were issued after expiry of one month.</p> <p>4. As Notice of demand was issued by the complainant to the applicant after expiry of one month, therefore, provision of Section 138(b) and (c) are to be strictly construed. Therefore, the complaint was not maintainable.</p> <p>5. The grounds taken by the applicant cannot be sustained in view of the judgment dated 10.01.2022 passed by Hon'ble Apex Court in Suo Motu Writ Petition (C) No. 3 of 2020, whereby, in paragraph no. 4 of the judgement, the Hon'ble Apex Court has directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed</p>

under any general or special laws in respect of all judicial or quasi-judicial proceedings.

6. In view of the above, this Court finds no force in the submission made by learned counsel for the applicant and thus, this Court does not find any infirmity or illegality in the impugned summoning order dated 08.01.2021. Hence, this Court does not find any reason to interfere with the impugned order.

7. Accordingly, the criminal misc. application fails and is hereby dismissed.

(Alok Mahra J.)

07.05.2026

Ujjwal