



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 7201 of 2026

Shakir Khan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shaili Ganguly
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. AJAY KUMAR-II, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State-opposite party and perused the material available on record.
2. The present 528 BNSS application has been filed to set-aside the summoning Order dated 14.03.2024 passed by the Court of A.C.J.M. Court No.2, Rampur in Complaint Case No.8 of 2024 (Sabir Ali Vs. Shakir Khan) as well as to set-aside the entire proceedings in Complaint Case No.8 of 2024 (Sabir Ali Vs. Shakir Khan), under Section 138 of N.I. Act, Police Station Civil Lines, District Rampur.
3. Learned counsel for the applicant submits that the cheque in question was issued on 20.07.2023. However, the same was presented before Punjab National Bank, Rampur on 27.10.2023 and the said presentation of the aforesaid cheque is against RBI Notification No.(RBI/2011-12) dated 04.11.2011. Learned counsel for the applicant further submits that on the cheque itself it is printed that " valid for three months from the date of issue". The applicant has been illegally summoned inspite of the fact that said cheque was presented after three months of it's validity.
4. Therefore, in the aforesaid circumstances, matter requires consideration both on law and facts.
5. Learned A.G.A. has accepted notice on behalf of opposite party No.1
6. Issue notice to opposite party No.2, through CJM, concerned, which shall indicate the date of hearing fixed in this case, and it shall also indicate that opposite party No.2 shall file his counter affidavit within three weeks' from

today.

7. Rejoinder affidavit, if any be filed within two weeks', thereafter.

8. Till the next date of listing further proceedings of Complaint Case No.8 of 2024, (Sabir Ali Vs. Shakir Khan), under Section 138 N.I. Act, Police Station Civil Lines, District Rampur shall remain stayed.

9. This case shall not be treated as tied up or part heard.

10. Put up this case on 07th May, 2026, as fresh before appropriate Bench.

February 19, 2026

Ashish/-

(Dr. Ajay Kumar-II,J.)