

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 2835/2020

(Arising out of impugned final judgment and order dated 09-01-2020 in CRLMA No. 22985/2019 passed by the High Court of Gujarat at Ahmedabad)

PRITESH PRAMODBHAI PATEL

Petitioner(s)

VERSUS

STATE OF GUJARAT &amp; ANR.

Respondent(s)

(FOR ADMISSION)

WITH Diary No(s). 10351/2020

(FOR ADMISSION and I.R. and IA No.61847/2020-CONDONATION OF DELAY IN FILING and IA No.61848/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.60717/2020-EXEMPTION FROM FILING PAPER BOOKS)

Date : 20-08-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE ANIRUDDHA BOSEFor Petitioner(s) Mr. Sachin Datta, Sr. Adv.  
Mr. Sahil Chopra, Adv.  
Mr. Syed Mehdi Imam, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Applications for exemption from filing affidavit and exemption from filing paper books are allowed.

Delay condoned.

Learned senior counsel for the petitioner contends that both in the application seeking discharge and the grounds in the revision petition, a plea was taken that no notice under Section

138 of the Negotiable Instruments Act was issued to the petitioner and that the petitioner was not a Director at the time of the agreement though he was a Director at the time when the cheque was dishonoured (but not a signatory). On a Court query, it is stated that the petitioner is not a shareholder or related to other Directors.

We find that, prima facie, the aforesaid aspect has not been dealt with by the High Court though noticed in the order rejecting the discharge application.

Issue notice.

Till the next date of hearing, the proceedings against the petitioner alone are stayed.

(ANITA MALHOTRA)  
COURT MASTER

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR