

ITEM NO.26

COURT NO.11

SECTION IIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No.427 OF 2005

(From the judgement and order dated 10/01/2005 in CRLWP No.
2432/2004 of HIGH COURT OF BOMBAY)

MUKESH JAIN AND ANR.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA AND ANR.

Respondent(s)

(With appln(s) for ex-Parte stay)

Date: 31/01/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Mr.Ankur Chawla, Adv.

Mrs. Manik Karanjawala, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Counsel for the petitioners submits that the statutory notice was

never given to the petitioner calling upon him to make the payment within

the period stipulated by law in view of the cheque issued by them being

dishonoured. He submits that unless such notice is given under Section

138 of the Negotiable Instrument Act, 1881, no offence is made out.

2

Issue notice to the respondents who shall produce before this

Court the alleged notice said to have been given to the petitioner and the

evidence in proof of service thereof.

In the meantime, further proceedings in the trial court shall

remain stayed.

(Satish K. Yadav)

(Asha Joshi)

Court Master

Court Master