



ITEM NO.26+57 COURT NO.7 SECTION II-A

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary
No(s).3829/2026

[Arising out of impugned final judgment and order dated 08-07-2021 in CRR No. 1005/2012 passed by the High Court of Jharkhand at Ranchi]

ASFAK ANJUM @ ASFAQUE ANJUM
@ DULARE KHAN Petitioner(s)

VERSUS

THE STATE OF JHARKHAND & ANR. Respondent(s)

IA No. 100739/2026 - CONDONATION OF DELAY IN
FILING

IA No. 100740/2026 - CONDONATION OF DELAY IN
REFILING / CURING THE DEFECTS

WITH

Item No.57 - SLP (Crl.) Diary No.3830/2026

IA No. 105711/2026 - CONDONATION OF DELAY IN
FILING

IA No. 105712/2026 - CONDONATION OF DELAY IN
REFILING / CURING THE DEFECTS

Date : 10-04-2026 This matter was called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Mohd. Faisal, AOR

Mr. M.F. Khan, Adv.
Mr. Saiful Islam, Adv.

For Respondent(s) : Ms. Madhusmita Bora, AOR
Mr. Dipankar Singh, Adv.
Ms. Pavithra V., Adv.
Mr. Vaibhav Chechi, Adv.

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

1. Delay condoned.
2. It appears from the materials on record that the respondent no.2 before us is the original complainant. He lodged three complaints against the petitioner herein for the offence punishable under Section 138 of the Negotiable Instruments Act. These three complaints were lodged in connection with three cheques purported to have been issued by the petitioner in favour of the respondent no.2 and those came to be dishonoured for want of insufficient funds in the account maintained by the petitioner.
3. The petitioner was put to trial in three different cases.

4. The Trial Court held the petitioner guilty in all the three cases.

5. Insofar as the present two petitions are concerned, they arise from Complaint Case No. 1586/2006 (T.R. No.516/2012) and Complaint Case No.1876/2006 (T.R. No.531/2012), respectively.

6. Both these cases were tried by the Judicial Magistrate 1st Class, Dhanbad.

7. We looked into the substantive order of sentence passed by the Trial Court insofar as the Complaint Case No.1586/2006 (T.R. No.516/2012) is concerned. The same reads thus:-

"xxx

Keeping in view of the above facts and circumstances of the case and the nature of the case, I do not think it proper to take any lenient view in favour of the above convict. So I am of the considered view that S.I for two years and fine double of the cheque amount i.e. Rs.45,000/- x2=Rs.90,000/- (Rs. ninety thousand) will be sufficient to meet for the ends of justice. Accordingly, the above convict is sentenced to undergo S.I for

two years and fine of Rs.90,000/- for proved offence U/s. 138 of Negotiable Instruments Act. The convict is further directed to pay Rs.80,000/- (eighty thousand) in favour of the complainant as compensation and cheque amount and rest Rs.10,000/- will be deposited in the Government account, Government of Jharkhand and in default of payment of fine, convict is further sentenced to go under S.I for three months, which will be a separate part of the sentence."

8. Insofar as Complaint Case No.1876/2006 (T.R. No.531/2012) is concerned, the substantive order of sentence reads thus:-

"xxx
Keeping in view of the above facts, nature of the proved offence, I am of the considered view that S.I for two years and fine double of the cheque amount Rs.24,344/-x2 = 48,688/- (Rs. forty eight thousand six hundred eighty eight) for prove offence of under Section 138 of N.I. Act will be just and proper to meet the ends of justice. Accordingly, the

convict is sentenced to go under S.I for two years and also with fine Rs.48,688/- as cheque amount as compensation for proved offence u/s 138 of NI Act. He is further directed to pay Rs.40,000/- (Rs. forty thousand) amount and rest Rs.8,688/- will be deposited in the Government account, Government of Jharkhand as fine. In default of fine the convict is further directed to under go S.I for three months, which will be the separate part of the sentence."

9. The appeals preferred by the petitioner before the Sessions Court against the judgment and order of conviction passed by the Trial Court also came to be dismissed.

10. We take notice of the fact there is already one Special Leave Petition (Crl.) Diary No.3823/2026 pending in this Court, arising from Complaint Case No.1875/2006 (T.R. No.524/2012). In the said SLP, notice has been issued on application for condonation of delay as well as on the SLP.

11. The learned counsel appearing for the petitioner would submit that his client has paid the entire amount to the complainant as directed by the Trial Court in the substantive order of sentence.

12. We are further informed that the petitioner is in jail since 15.05.2025.

13. In view of the aforesaid, issue notice to the respondent no.2, returnable on 07.05.2026.

14. Ms. Madhusmita Bora, the learned counsel waives service of notice for and on behalf of the State.

15. Dasti service, in addition, is permitted.

16. We also order that the petitioner be released on bail subject to terms and conditions that the Trial Court may deem fit to impose insofar as the present two Special Leave Petitions are concerned.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)