

SLP(Crl.)No. 1322 OF 2001
ITEM No.46

Court No.10

SECTION IIA
A/N MATTER

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. 1322/2001

(From the judgement and order dated 07/12/2000 in CRLM 616/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JAGDEV RAJ

Petitioner (s)

VERSUS

M/S. ASHIANA FINANCIAL SERVICE & ANR.
(With Office Report)

Respondent (s)

With
SLP(Crl.)No. 1335/2001
(with office report)

Date : 30/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. KC Bajaj, Adv.
Mr. P.N. Puri, Adv.

For Respondent (s) Mr. Nikhil Nayyer, Adv.

UPON hearing counsel the Court made the following
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Leave granted.
The appeals are allowed in terms of the signed order.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.763 OF 2001@@
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(Arising out of SLP(Crl) No.1322 of 2001)

Jagdev Raj

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.... Appellant

VERSUS

M/s Ashiana Financial Service & Anr.Respondents

WITH

CRIMINAL APPEAL NO.764 OF 2001@@

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(Arising out of SLP(Crl) 1335 of 2001)

O R D E R@@

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Heard learned counsel for the parties.
Leave granted.

The complaint under Section 138 of the Negotiable Instruments Act was dismissed on the ground that it was premature. In view of the decision rendered in Narsingh Das@@

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Tapadia vs. Goverdhan Das Partani and Anr. (2000 (7) SCC@@
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183) the impugned orders passed by the High Court and the trial court cannot be sustained. Hence, these appeals are allowed and the orders passed by the High Court and the trial court are set aside. The trial court is directed to proceed with the matters in accordance with law.

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.....J.@@

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(M.B. SHAH)@@

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.....J.@@

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(R.P. SETHI)@@

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New Delhi,
July 30, 2001