

SLP(Crl.)No. 1785 OF 2001

ITEM No.39

Court No. 9

SECTION II
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. 1785/2001
(From the judgement and order dated 22/09/2000 in CRLA 161/94
of The HIGH COURT OF KERALA AT ERNAKULAM)

SASSERIYIL JOSEPH

Petitioner (s)

VERSUS

DEVASSIA

Respondent (s)

Date : 10/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr.Romy Chacko,Adv.
Mr.Anil Kumar Sinha,Adv.

For Respondent (s) Mr.K.Rajeev,Adv.
Mr. Ajit Pudussery,Adv.

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

.SP2
.....L.....I.....T.....T.....T.....T.....T.....T.....J
We have heard learned counsel for the petitioner.
We have perused the judgment of the High Court of
Kerala in Criminal Appeal No.161 of 1994 confirming the
judgment/order of acquittal passed by the Addl.
Sessions Judge, Thalassery in Criminal Appeal No.212 of
1992 holding inter alia that the cheque in question
having been issued by the accused for due which was
barred by limitation the penal provision under Section
138 of the Negotiable Instrument Act is not attracted in
the case.

.PA :2:

On the facts of the case as available on the
records and the clear and unambiguous provision in the
explanation to Section 138 of the Negotiable Instrument
Act the judgment of the lower appellate court as
confirmed by the High Court is unassailed.

Therefore, the special leave petition is
dismissed.

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P.S. to Registrar

Court Master