

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

CRIMINAL APPEAL NO(s). 1209 OF 2003

M/S. BHAGWANDAS GIRDHARDAS PROP. FIRM Appellant (s)

VERSUS

M/S. NIDHI CONSULTANCY SERVICES & ANR. Respondent(s)

Date: 22/04/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE J.M. PANCHAL

For Appellant(s) Ms. Anandita Pujari,Adv.
Mr. S.U.K.Sagar,Adv.
Ms. Bina Madhavan,Adv.
Mr.Tarun Satiya,Adv.for
M/S. Lawyer'S Knit & Co.

For Respondent(s) Mr. A. Subba Rao,Adv.
Mr. A.T.Rao,Adv.
Mr. B.Venkat Ratnam,Adv.

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

The appeal is dismissed.

[SUMAN WADHWA]
COURT MASTER

[SNEH BALA MEHRA]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1209 OF 2003

M/S. BHAGWANDAS GIRDHARDAS .. APPELLANT(S)
PROP. FIRM

vs.

M/S. NIDHI CONSULTANCY SERVICES .. RESPONDENT(S)
& ANR.

O R D E R

We have heard the learned counsel for the parties.

The Trial Court by a very elaborate order recorded

that no case under Sec.138 of the Negotiable Instruments

Act had been made out against the respondents for the

simple reason that the issuance of the cheque of rupees of twenty lakhs which the appellant claimed had been issued to it from the office of the respondent-Company had been pilfered and filled in by somebody else. The Trial Court also found that there were very extensive commercial dealings between the parties as they were both share brokers. The Trial Court accordingly dismissed the complaint.

The findings recorded by the Trial Court have been affirmed by the High Court in appeal and it has once again been opined that the issuance of the cheque was not proved as there was evidence to show that it had been filled in by the respondent after a cheque book had forcibly taken away from him under threat.

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We are, therefore, disinclined to interfere in this matter in our jurisdiction under Art.136 of the Constitution of India.

The Appeal is dismissed.

.....J.
(HARJIT SINGH BEDI)

.....J.
(J.M. PANCHAL)

New Delhi,
April 22, 2010.