

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 10249/2026

[Arising out of impugned final judgment and order dated 18-11-2025 in CRLA No. 28/2020 18-11-2025 in CRLA No. 29/2020 passed by the High Court of Judicature at Bombay]

MMTC LIMITED

Petitioner(s)

VERSUS

HITECHI JEWELLERY INDUSTRIES LTD & ORS.

Respondent(s)

IA No. 106523/2026 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No. 108498/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 16-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Ms. Shweta Bharti, Adv.
Ms. Yashodhara B Roy, Adv.
Mr. Aditya Sharma, Adv.
Ms. Prakarti Shrivastav, Adv.
Mr. Sachin Sharma, AOR
Mr. Anil Kumar Gulati, Adv.
Ms. Nur Tandon, Adv.
Mr. Satyavrat Sharma, Adv.

For Respondent(s) :

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

1. The application for leave to appeal challenging the judgment of acquittal rendered in a proceeding initiated under Section 138 of the Negotiable Instruments Act, 1881 (NI Act), has been called in question.

2. *Prima facie* the impugned order of not granting the leave, would not sustain. However, it is necessary to observe at this stage itself that substratum of the petitioner's case before the trial

court and High Court is with respect to dishonour of the cheques and the petitioner having relied upon the notice issued as contemplated under Section 138 of the NI Act, has not proved the same. In other words, the petitioner has utterly failed to demonstrate before the trial court and High Court about any such notice having been issued preceding the filing of the complaint or the said alleged notice having been duly served on the respondent(s)-accused.

3. Though in ultimate analysis, we are of the *prima facie* view that the acquittal will have to be upheld, however, on account of the leave having not been granted to file an appeal, which finding would not stand the test of law, notice is being issued.

4. Delay condoned.

5. Issue notice, returnable in four weeks.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)