

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(s).2521/2004

(From the judgement and order dated 05/04/2004 in CRLM No. 3133/2002 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MASTER CAPITAL SERVICES LTD.

Petitioner(s)

VERSUS

LAXMAN DARBARI & ORS

Respondent(s)

(With appln(s) for stay and directions with affidavit and office report)

Date: 21/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. R. Nedumaran,Adv.

Ms. M.F. Humayunisa, Adv.

Mr. Siddharth Dutta, Adv.

For Respondent(s)

Mr. H.K. Puri,Adv.

Mr. D.P. Singh, Adv.

Mr. Sanjay Jain, Adv.

Mr. Arun K. Sinha ,Adv. (N.P.)

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard counsel for the parties.

The appeal is disposed of in terms of the signed order.

(R.K. DHAWAN)

(VEERA VERMA)

COURT MASTER

COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 863 OF 2006

(Arising out of SLP(Crl.) No.2521/2004)

MASTER CAPITAL SERVICES LTD.

.... APPELLANT.

VERSUS

LAXMAN DARBARI & ORS.

.... RESPONDENTS.

O R D E R

Leave granted.

The appellant herein filed a criminal case under Section

138 of the Negotiable Instruments Act and there were two accused.

As per the allegations in the complaint, the second accused - Mahesh

Darbari executed a cheque in favour of the complainant. The first

accused is his father and second accused is holding a power of

attorney of the first accused. The first accused filed a petition before

the High Court under Section 482 of Cr.P.C. alleging that the

Ludhiana Court, before whom complaint has been filed, has no

jurisdiction therefore, the complaint was liable to be quashed. The

High Court accepted this contention and quashed the proceedings,

Against that, the complainant has come up before this Court.

We heard learned counsel for the parties.

The counsel for the complainant points out that the cheque was presented at Ludhiana and, therefore, the Ludhiana Court

...2/-

-2-

has jurisdiction. We think that on the ground that the Ludhiana

Court has jurisdiction, the complaint was not liable to be quashed.

The first accused Laxman Darbari the father of 2nd accused is

reported to have been dead. Counsel for the second accused Mahesh

Darbari submitted that he had executed a cheque in favour of the

complainant on behalf of his father as its power of attorney holder and

he has no personal liability, therefore, the second accused is at liberty

to urge this point before the appropriate court at the appropriate

stage. We order accordingly. The impugned order is set aside. The

Magistrate is directed to dispose of the complaint in accordance with

law.

The appeal is disposed of accordingly.

J

.....  
(K.G. BALAKRISHNAN)

J

.....  
(D.K. JAIN)

NEW DELHI;

AUGUST 21, 2006.