

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).4159/2008

(From the judgement and order dated 13/02/2008 in SBCRM  
No.122/2005, of The HIGH COURT OF RAJASTHAN AT JAIPUR)

LALITA HUNDIYA Petitioner(s)

VERSUS

GOVIND KHUTETA & ANR. Respondent(s)

(With appln(s) for exemption from filing O.T.)  
(FOR FINAL DISPOSAL)

Date: 24/02/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Ms. Aishwarya Bhati, Adv.  
Ms. Sanyoli Mittal, Adv.  
Ms. Ayushi Mittal, Adv.  
Mr. Amit Verma, Adv.  
Mr. Pawan Kumar Saini, Adv.

For Respondent(s) Mr. M.R. Calla, Sr. Adv.  
Mr. Ankit Acharya, Adv.  
Ms. Charu Mathur, Adv.  
  
Mr. S.S. Shamsbery, AAG  
Mr. Varun Punia, Adv.  
Mr. Sandeep Singh, Adv.  
Ms. Ruchi Kohli, Adv.  
Ms. Pragati Neekhara, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed, in terms of the signed order.

(O.P. Sharma)

(M.S. Negi)

1

Court Master Assistant Registrar  
(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.495 of 2014  
(Arising out of SLP (Crl.) No.4159 of 2008)

Lalita Hundiya ...Appellant

Versus

Govind Khuteta & Anr. ...Respondents

O R D E R

Leave granted.

This appeal has been preferred by the complainant challenging the Judgment and Order dated 13.2.2008, passed by the High Court of judicature of Rajasthan at Jaipur Bench in SB Criminal Misc. Petition No.122 of 2005 wherein it had categorically been held by the High Court that the complaint under Section 138 of Negotiable Instrument Act, 1881 signed by the power of attorney holder of the complainant is not maintainable. We have heard Ms. Aishwarya Bhati, learned counsel for the petitioner and Mr. M.R. Calla, learned Senior counsel for the respondents.

The matter is squarely covered by the judgments of this Court in Shankar Finance & Investments v. State of Andhra Pradesh & Ors., (2008) 8 SCC 536; Praveen v. Mohd. Tajuddin, (2009) 12 SCC 706; and Milind Shripad Chandurkar v. Kalim M. Khan & Anr., (2011) 4 SCC 275. In all these cases, it has been held that a complaint duly signed by the attorney holder of the complainant is also maintainable.

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In view of the above, the judgment and order impugned herein cannot be sustained in the eyes of law. It is hereby set aside.

The appeal is, accordingly allowed.

We request the learned Magistrate to proceed with the complaint in accordance with law and conclude the trial expeditiously.

.....J.  
(DR. B.S. CHAUHAN)

.....J.

(J. CHELAMESWAR)

New Delhi  
February 24, 2014.