

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1049 OF 2016

(Arising out of SLP(Cr1.) No.8540 of 2011)

VINOD RAWATAPPELLANT

VERSUS

JAI PRAKASH PANDEYRESPONDENT

O R D E R

Leave granted.

The appellant - complainant has preferred this appeal against the impugned order dated 20.5.2011 passed by the High Court of Madhya Pradesh, in M.CR.C. No.2528 of 2010, whereby the learned Single Judge acquitted the respondent-accused and set aside the order dated 23.3.2010 passed by the trial court in Criminal Complaint No.14450/2008, rejecting the prayer of the respondent-accused to dismiss the criminal complaint.

We have heard Mr. Ardhendumauli Kumar Prasad, learned counsel for the appellant, and perused the record.

The respondent is treated to be served in view of the Office Report dated 21.10.2015, which indicates that he has refused to accept the notice.

The only reason why the High Court had quashed the criminal complaint filed under Section 138 of the

Negotiable Instruments Act, 1881, was that the respondent issued a cheque bearing No.378773 dated 11.2.2008 for Rs.1,00,000/- (Rupees one lakh only) and whereas the petitioner issued a legal demand notice dated 19.2.2008 demanding Rs.1,50,000/- (Rupees one lakh and fifty thousand only).

In the circumstances of this case, we find that the aforesaid discrepancy is not such, so as to warrant quashing of the complaint.

The trial court has rightly taken cognizance of the criminal complaint in view of the reasons stated in its order dated 23.3.2010.

Hence, we allow this appeal, set aside the impugned order of the High Court and restore that of the trial court. We also direct the trial court to further proceed with the matter and decide the case on its own merits in accordance with law.

It is made clear that we have not expressed any opinion on the merits of the case.

.....J
[S. A. BOBDE]

.....J
[ASHOK BHUSHAN]

NEW DELHI;
OCTOBER 24, 2016.

ITEM NO.30

COURT NO.9

SECTION IIA

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8540/2011

(Arising out of impugned final judgment and order dated 20/05/2011
in MCRC No.2528/2010 passed by the High Court Of M.P. At Indore)

VINOD RAWAT

Petitioner(s)

VERSUS

JAI PRAKASH PANDEY

Respondent(s)

(With office report)

Date : 24/10/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Ardhendumauli Kumar Prasad, Adv.
Ms. Taruna Ardhendumauli Prasad, Adv.
Mr. Namit Saxena, Adv.
Mr. Jaydip Pati, Adv.

For Respondent(s)

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(Sanjay Kumar-II)
Court Master(Indu Pokhriyal)
Court Master

(Signed Order is placed on the file)