

ITEM NO.202

COURT NO.6

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).
8390-8391/2011

(Arising out of impugned final judgment and order dated 20/06/2011
in CRLA No. 670/2011,20/06/2011 in CRLA No. 671/2011 passed by the
High Court Of Bombay)

SHALIRAJ SHETTY

Petitioner(s)

VERSUS

KISHORE T.SHETTY & ANR.

Respondent(s)

(with office report)
(For Final Disposal)

Date : 09/03/2015 These petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s)

Mr. M. C. Dhingra,Adv.

For Respondent(s)

Mr. Anoop Pande, Adv.
Mr. Manjunath Meled, Adv.

Mr. Anil Kumar,Adv.

Mr. Aniruddha P. Mayee,Adv.

Mr. A. Selvin Raja, Adv.

Ms. Asha Gopalan Nair,Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed
order.

(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 415-416 OF 2015
(Arising out of SLP(Crl.) No(s). 8390-8391 of 2011)

SHALIRAJ SHETTY

Appellant(s)

VERSUS

KISHORE T. SHETTY & ANR.

Respondent(s)

O R D E R

Leave granted.

Aggrieved by the judgment dated 20th June, 2011 passed by the High Court of Bombay in Criminal Application Nos. 670-671 of 2011, the appellant therein preferred the instant appeals.

The above-mentioned two applications were filed seeking leave to file an appeal against the impugned judgment dated 8th April, 2010 by the learned Metropolitan Magistrate, Kurla, Mumbai. By the said judgment, learned Magistrate acquitted respondent herein of the offences punishable under Section 138 of the Negotiable Instruments Act.

According to the appellant, the appellant advanced an amount of Rs. 14 lakhs to the respondents from time to time. The respondents issued three cheques to the appellant for an amount of Rs. 3,50,000/- each payable on three different dates, i.e., 30th May, 2007, 30th November, 2007 and 30th March, 2008. Those cheques eventually when presented before the Bank bounced. Therefore, the

appellant preferred two complaints against the bouncing of the cheques which were dated 30th May, 2007 and 30th March, 2008. The trial Court by a judgment dated 8th April, 2010 dismissed the complaints.

Aggrieved by the same, the appellant approached the High Court seeking leave of the High Court under Section 378(4) of the Code of Criminal Procedure. The High Court by a very cryptic order rejected the leave. We, therefore, set aside the order, remit the matter back to the High Court for appropriate consideration of the leave applications in accordance with law.

The appeals are disposed of accordingly.

.....J.
(J. CHELAMESWAR)

.....J.
(R.K. AGRAWAL)

NEW DELHI
MARCH 09, 2015.