ôITEM NO.28 COURT NO.4 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRLMP. No. 17553/2008 in &
Petition(s) for Special Leave to Appeal (Crl)... 2008
From the judgement and order dated 04/09/2008 in CRLMC No. 1977/2007
of The HIGH COURT OF KERALA AT ERNAKULAM)

TGN KUMAR Petitioner(s)

VERSUS

STATE OF KERALA & ORS. Respondent(s)
(For permission to file SLP and ex-parte stay)

Date: 17/11/2008 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)Ms. Sumita Hazarika,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Permission to file SLP is granted.

One of the questions which arises for consideration in this special leave petition is as to whether the High court in exercise of its jurisdiction under Sections 482 and 483 of the Code of Criminal Procedure and/or under Article 227 of the Constitution of India could issue guidelines directing all courts taking cognizance of offences under section 138 of the Negotiable Instruments Act inter alia to invoke the discretion under Section 205 of the Code of Criminal Procedure and only with a further direction that summons under Section 205 shall be issued at the first instance. Keeping in view importance of the question involved as also the various decisions of this Court upon which the

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learned Judge of the High Court has placed reliance, in our opinion, we think that this is a matter which should be heard by a larger Bench. It is directed accordingly.

Leave granted. Let the papers be placed before Hon'ble the Chief Justice of India.

[Charanjeet Kaur]
Court Master

[Pushap Lata Bhardwaj]
Court Master