

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2023
(ARISING OUT OF SLP (CRIMINAL) NO. 3237 OF 2019)

CHACKO JACOB (DIED) THROUGH HIS LRS.

APPELLANTS

VERSUS

MOHANAN & ANR.

RESPONDENTS

O R D E R

Leave granted.

Heard Mr. Dileep Poolakkot, the learned counsel appearing for the appellants. Also heard Mr. Nishe Rajen Shonker, the learned counsel appearing for respondent No. 2-State. Respondent No. 1 is unrepresented.

We have heard the submission made by the learned counsel for the appellants and find that the High Court after noticing that the complainant did not have so much amount with him to lend Rs.6,50,000/- to the other side, took the view that the execution of the Ex.P/1 cheque is not proved for the purpose of Section 138 of the Negotiable Instruments Act, 1881. The Court further found that other evidence to support the case of the complainant is also not available.

Looking at the reasoning given by the High Court, we see no reason to interfere with the impugned order whereby respondent No. 1 was acquitted of the charge under Section 138 of the Negotiable Instruments Act, 1881.

The appeal accordingly stands dismissed.

Pending application(s), if any, shall stand closed.

.....J.
(HRISHIKESH ROY)

.....J.
(VIKRAM NATH)

NEW DELHI;
APRIL 21, 2023

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). 3237/2019

(Arising out of impugned judgment and order dated 10-10-2018 in CRLRP No. 860/2016 passed by the High Court of Kerala at Ernakulam)

CHACKO JACOB (DIED) THROUGH HIS LRS. Petitioner(s)

VERSUS

MOHANAN & ANR. Respondent(s)

(IA No.51519/2019-EXEMPTION FROM FILING O.T.)

Date : 21-04-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE VIKRAM NATHFor Petitioner(s) Mr. Dileep Poolakkot, Adv.
Mr. Muhammed Siddick, Adv.
Mr. Bijo Mathew Joy, AORFor Respondent(s) Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal stands dismissed in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
COURT MASTER (SH)(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Signed order is placed on the file)