

(2020) 01 RAJ CK 0265

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 6465 Of 2019

Mohammed Safi

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 29-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Negotiable Instruments Act, 1881 — Section 138

Citation : (2020) 01 RAJ CK 0265

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Advocate : Amit Gaur, Sudhir Tak

Final Decision : Dismissed

Judgement

The instant miscellaneous petition under Section 482 CrPC has been filed by the complainant-petitioner Mohammed Safi being aggrieved of the order dated 13.06.2019 passed by the learned Additional Sessions Judge No.3, Bikaner in Criminal Revision No.148/2019, whereby the revisional court rejected the revision of the petitioner and affirmed the order dated 22.04.2019 passed by the learned Additional Judicial Magistrate No.1, Bikaner in connection with FR No.129/2017 (FIR No.334/2017) of Police Station Naya Shahar, Bikaner accepting the FR and rejecting the protest petition filed by the petitioner.

I have heard and considered the submissions advanced by the learned counsel for the petitioner and have gone through the impugned orders. I am fully satisfied that the court below appreciated the factual matrix available on record in an apposite manner while accepting the negative final report and rejecting the protest petition filed by the petitioner. The petitioner lodged the FIR through a complaint alleging therein that some of his signed cheques and documents were lost and that one of these cheques being cheque No.778363 was misused by the respondent Prabhudayal, being an advocate. The trial court found that the complainant Mohammed Safi had filed a complaint under Section 138 of the NI

Act against one Rafiq Ahmed in the year 2013, in which, Prabhudayal was engaged as an advocate. The complainant's theory that the bag containing his signed cheques was lost on 15.12.2015 was discarded considering the fact that the alleged report of the bag containing the signed cheques having gone missing was filed after a delay of one and half year. Furthermore, the trial court found the conduct of the complainant of not making any attempt to give instructions to his bank for stopping of the cheques to be suspicious and thereafter the final report was accepted by a detailed order dated 22.04.2019, which has been affirmed in revision as stated above.

Having appreciated the submissions advanced at bar and after evaluating the facts available on record, I am of the firm opinion that the trial court was absolutely justified in accepting the well-reasoned final report submitted by the police and the revisional court was also justified in dismissing the revision filed by the petitioner because the allegations as set out by the petitioner in his FIR were far too suspicious and dubious so as to be accepted.

Thus, I find no merit in this miscellaneous petition, which is dismissed as such. The stay petition is also dismissed.