
(2013) 05 RAJ CK 0074

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 1464 of 2012

Ramesh Kumar

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 16-05-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2013) 3 WLN 485

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Advocate : M.L. Khatri, for the Appellant; Anil Upadhyay, Public Prosecutor for the State and Mr. J.K. Suthar for Mr. R.S. Choudhary, for the Respondent

Final Decision : Disposed Off

Judgement

Kanwaljit Singh Ahluwalia, J.—The present petition has been preferred by the complainant. The complainant had instituted a complaint under Sec. 138 of the Negotiable Instruments Act against respondent Sukh Dev. During the progress of the trial accused gave an application that there is interpolation in the cheque and figure four in the words has been added and the amount of Rs. 40,000/- written in the cheque has been inflated to Rs. 4,40,000/-.

2. A prayer was made that cheque be sent for comparison and examination by the FSL. The trial Court rejected the prayer of the accused. Aggrieved against the same, accused filed a revision, the revisional Court accepted the prayer of the accused and ordered that cheque be sent for examination to the FSL. The order of revisional Court below has been challenged before this Court by the complainant.

3. Shri M.L. Khatri counsel appearing for the complainant has submitted that if the cheque is perused from naked eye, it is evident that there was not enough space to insert four in the column, where amount is written in words.

4. Counsel for the State has submitted that by sending the cheque to the FSL, undue delay has been caused in culmination of the proceeding. It is submitted that the complaint was filed in the year 2007, six years going on to elapse yet the trial has not concluded.

5. After hearing counsel for the parties, it is apparent that the primary concern of the complainant is delay caused in conclusion of the trial. The revisional Court below exercised its discretion. No legal issue or argument has been raised or urged before this Court to disturb the discretion validly exercised. However, at the same time apprehension expressed by counsel for the complainant-petitioner that accused is resorting to delay tactics is required to be allayed. This Court is of the view that same can be done by issuing a direction to the trial Court to conclude the trial within stipulated period. Without disturbing the orders of revisional Court below as there is no legal issue to exercise jurisdiction under Sec. 482 Cr.P.C., the present petition is disposed of with the direction to the trial Court to conclude the trial within a period of six months after the receipt of the report of FSL.