

(2000) 08 RAJ CK 0012
In the Rajasthan High Court
Case No : Criminal Rev. No. 296 of 1999

Subhash Chandra Das

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 09-08-2000

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138
Penal Code, 1860 (IPC) — Section 120B, 420, 506

Citation : (2001) 2 CivCC 232 : (2001) 3 RCR(Criminal) 455 : (2001) WLC 318

Hon'ble Judges : Bhagwati Prasad, J

Bench : Single Bench

Advocate : R.K. Singhal, for the Appellant; M.L. Thakur and C.S. Kotwani, for the Respondent

Final Decision : Allowed

Judgement

Bhagwati Prasad, J.—By the present revision petition, the petitioners have challenged the order of taking cognizance for the offence under Sections 420, 506 and 120B, IPC in that matter of dishonour of cheque. The proceedings u/s 138 of the Negotiable Instruments Act have already been initiated against the petitioners. The order taking cognizance for the offence u/s 138 of the Negotiable Instruments Act has not been interfered with by this Court in another revision petition No. 294/1999. The proceedings under Sections 420, 506 and 120B, IPC cannot be said to be simultaneously maintainable with the proceedings u/s 138 of the Negotiable Instruments Act. The issue involved is basically dishonouring of the cheque. In facts and circumstances of the case, when proceedings u/s 138 of the Negotiable Instruments Act are already pending, it would not be in the interest of justice to continue the proceedings for the offence under Sections 420, 506 and 120B of IPC and, therefore, the order taking cognizance is set aside. However, this order will have no bearing on the proceedings u/s 138 of the Negotiable Instruments Act.

2. The revision petition stands allowed as indicated above.