* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 6th September, 2010
Date of Order: 27th September, 2010

+CRL. M.C. 2867 OF 2010, CRL. M.A. NO. 14619-20/2010
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27.09.2010

ANIL PANDEY **... Petitioner**

Through: Mrs Amita Gupta, Adv.
Mr. Rahat Bansal, Adv.

Versus

IDBI BANK LTD. **... Respondents**

Through:

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the reporter or not?

3. Whether judgment should be reported in Digest?

JUDGMENT

1. This Criminal Miscellaneous Petition has been filed against the order dated 13th August, 2010, passed by learned Sessions Judge whereby he dismissed a Revision filed by the petitioner against an order of learned MM convicting the petitioner under Section 138 of Negotiable Instrument Act.

2. A perusal of the order of learned MM as well as the order of learned Sessions Judge would show that both the courts below have given concurrent findings that the cheques were issued by the petitioner for legal liability/debit.

3. The petitioner had taken a loan from the bank and issued cheques for re-payment of the loan. The petitioner stopped paying loan after some time and the cheques issued by him towards payment of the loan got dishonoured. He had taken personal loan of ₹ 3,92,000/-. Out of that, he had paid only ₹ 1,54,000/-. Both the courts found that the petitioner was served with the notice of dishonour of the

cheque, he did not reply the notice and took a wrong plea to the court that he had not received the notice. The plea of the petitioner that the cheques were issued only as a security was not proved by the petitioner.

4. In view of the concurrent finding given by the two courts below on facts, I find no reason to interfere with the order of learned Sessions Judge under Section 482 Cr. P.C. The petition is hereby dismissed.

SEPTEMBER 27, 2010 **SHIV NARAYAN DHINGRA, J.**
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