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

+ **CRL.MC No.2529/2010**

% *Judgment delivered on:15th November, 2011*

SRM ADVERTISING & MARKETING & ORS Petitioner
Through: Mr. S. Chakraborty &
Mr. B.B. Pradhan, Advs.

versus

ANJANI HOSPITALITY SOCIETY Respondent
Through: Mr.S.K. Jain, Adv

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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| 1. Whether the Reporters of local papers
may be allowed to see the judgment? | NO |
| 2. To be referred to Reporter or not? | NO |
| 3. Whether the judgment should be reported
in the Digest? | NO |

SURESH KAIT, J. (Oral)

1. On 09.09.2011, a judgment was rendered by this Court in '*GE Capital Transportation Financial Services Ltd. v. Rahisuddin Khan,*' Crl. Rev. P.170/2010, and aspect of jurisdiction has been decided on the basis of decision of the

Apex Court in **K. Bhaskaran Vs. S.B. Balan AIR 1999 SC 3762**, whereby 5 ingredients were considered for the offences under Section 138 Negotiable Instrument Act, 1881 as under:-

“The Offence u/s 138 NI Act can be completed only with the concatenation of a number of acts. Following are the acts which are components of the said offence:-

- 1. Drawing of the cheque,*
- 2. Presentation of the cheque to the bank,*
- 3. Returning the cheque unpaid by drawee bank,*
- 4. Giving notice in writing to the drawer of the cheque demanding payment of the cheque amount,*
- 5. Failure of the drawer to make payment within 15 days of the receipt of the notice.*

“----If the five different acts were done in different localities any one of the courts exercising jurisdiction in one of the five local areas can become place of trial for offence u/s 138 NI Act.”

2. It is pertinent to mention here that the aforesaid judgment passed by this court, has been subjected to challenge in ***Special Leave Petition (C) No.29044/2011***

'Vinay Kumar Shailendra Vs. Delhi High Court Legal Services Committee & Anr.' and the Apex court vide order dated 03.11.2009, while referring the matter to a larger bench, had directed *'Status quo, as on today, shall be maintained until further orders'*.

3. Coming to the instant petition, it is admitted that cheques in question were presented for encashment at Delhi and the legal demand notice under Section 138 Negotiable Instrument Act, 1881 has been issued from Delhi.

4. Keeping in view the aforesaid judgment dated 09.09.2011, the present petition being Criminal M.C.2529/2010 is dismissed.

5. In view of above, Criminal M.A.13367/2010 renders infructuous and also dismissed as such.

6. Before parting with the present order, it is expected from learned Trial Court to proceed with the case expeditiously, so as to conclude the trial within a reasonable time.

7. No order as to costs.

8. *Dasti.*

SURESH KAIT, J

NOVEMBER 15, 2011

RS