



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/73/2026</u> Neha Kumar --Revisionist Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Prem Kaushal, learned counsel for the revisionist. 2. Mr. Prabhat Kandpal, learned A.G.A. along with Mr. Nikhil Bisht, learned Brief Holder for the State. 3. By means of the present criminal revision, the revisionist has assailed the judgment and order dated 06.11.2025 passed by the learned Addl. Sessions Judge, Rudrapur, District Udham Singh Nagar in Criminal Appeal No. 264 of 2025, whereby the appeal preferred against the judgment and order dated 25.08.2025 passed in Criminal Case No. 11306 of 2022 has been dismissed and the conviction recorded by the learned Trial Court has been affirmed. 4. By the judgment dated 25.08.2025, the learned Trial Court convicted the revisionist for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for a period of three months and to pay a fine of ₹16,22,488/-. It was further directed that, in default of payment of fine, the revisionist shall undergo simple imprisonment for a further period of one



		month; that, while admitting the appeal, the learned Appellate Court granted bail to the revisionist and directed him to deposit 20% of the cheque amount before the Trial Court within a period of two months. 5. Learned counsel for the revisionist would submit that the company of the revisionist had placed an order with respondent no. 2 for the supply of thirty electrical panels and, pursuant thereto, a purchase order was issued for the supply of thirty sets of electrical components. It is contended that although respondent no. 2 supplied the goods, upon inspection it was found that the components supplied were deficient in quantity and did not conform to the specifications and standards stipulated in the purchase order, therefore, the material supplied was insufficient even for assembling ten sets. 6. It is further submitted that the revisionist requested respondent no. 2 not to present the cheque, which had been issued only as a security cheque, for encashment until the dispute regarding the quality and quantity of the supplied goods was resolved. However, respondent no. 2 presented the cheque for encashment, which came to be dishonoured, whereafter a complaint under Section 138 of the Negotiable Instruments Act was instituted, culminating in the impugned judgments passed by the courts below. 7. Learned counsel for the revisionist would further submit that the criminal proceedings initiated against the revisionist are false and legally unsustainable. It is argued that respondent no. 2 failed to disclose material facts relating to the return and rejection of the supplied goods by the
--	--	--



		revisionist. 8. Heard learned counsel for the parties and perused the material available on record. 9. It is undisputed that the cheque was drawn by the revisionist and bears his admitted signatures. The cheque was presented within its validity period and was dishonoured. In view of the admitted signatures, the presumptions under Sections 118(a) and 139 of the Negotiable Instruments Act, 1881, operate in favour of the complainant that the cheque was issued towards a legally enforceable debt or liability. Though rebuttable, the said presumptions could be displaced only by a probable and credible defence. The revisionist has failed to place any cogent material on record to rebut the same or establish absence of legally enforceable liability. 10. So far as the direction of the learned Appellate Court requiring the revisionist to deposit 20% of the fine amount is concerned, the revisionist has not disclosed any cogent or legally sustainable ground demonstrating his inability to comply with the said direction. No material has been placed before this Court to establish that compliance with the said direction is impossible or would cause such prejudice as may warrant interference by this Court in exercise of its revisional jurisdiction. 11. Upon consideration of the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the impugned order does not suffer from any illegality,
--	--	--



perversity, infirmity or jurisdictional error warranting interference by this Court in exercise of its limited revisional jurisdiction. No ground has been made out which would justify interference with the impugned order.

12. Accordingly, the present criminal revision, being devoid of merit, is hereby dismissed.

13. There shall be no order as to costs.

(Alok Mahra, J.)

21-08-2026

Mamta

MAM
TA
RANI

Digitally signed by MAMTA
RANI
DN: c=IN, o=HIGH COURT OF
UTTARAKHAND, ou=HIGH
COURT OF UTTARAKHAND,
2.5.4.20=6a812005bebfcf46f
244f3e584af1449e430ef900b
f09a6d67ebbd642671329b,
postalCode=263001,
st=Uttarakhand,
serialNumber=5de1751a4f1d
9cabfd54852c9e68911ca8b6
6dd26690a191648ab5d8dd0
04ef0, cn=MAMTA RANI
Date: 2026.08.21 17:44:47
+05'30'