

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 1535 OF 2015

Mr. Narendra Singh

... Petitioner.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Ms. Sneha Singh a/w. Anand Mishra i/by Ashok Saraogi,
Advocate for the Petitioner.

Mr. S. H. Yadav, APP for the State.

CORAM : A. V. NIRGUDE, J.

DATED : 17th NOVEMBER, 2015

P.C. :

1 This writ petition deserves to be dismissed in limini. It appears to be an attempt to prolong the litigation which was started long back in 2012. The respondent-complainant stated in his complaint that the petitioner-accused had issued him cheques for discharging his legally enforceable liability. The cheques got bounced and, therefore, a demand notice under section 138 of the Negotiable Instruments Act was issued to the petitioner. Still the amount was not paid and, therefore, the complaint was lodged by respondent no.2. On the face of it, the allegations made were sufficient to issue process against the petitioner. The petitioner made a grievance by filing a revision against the order of issuance of process that on the

face of it, there was no legally enforceable liability against the petitioner. He places reliance on certain agreements in which it was agreed between the parties that in case of a loss caused to the joint venture, they would suffer loss in equal proportion. On the basis of this, the petitioner was trying to suggest that there was no legally enforceable liability against him. The petitioner's submission is based on a defence that is likely to be taken in case such a defence is available to the petitioner when he would appear before the Magistrate for facing the trial. At this stage, the court would go by the contents of the complaint and not beyond any other documents.

2 The impugned order, therefore, does not require interference.

3 The writ petition is dismissed.

(A.V.NIRGUDE,J.)

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