

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 1164 OF 2014

M/s. Prabhat Colour Company .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Neville Deboo, Advocate for the applicant
Smt. P. P. Chavan, APP for the respondent-State.

CORAM:-M.L. TAHALIYANI,J.

DATED : -05/01/2015

P.C.

Heard learned advocate for the applicant.

2 The applicant is aggrieved by the order passed by the Addl. Sessions Judge, dismissing revision application of the applicant. The revision application arose out of the order passed by the Addl. Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai, refusing to send the complaint of the applicant to police u/s 156 (3) or to hold inquiry u/s 202 of Cr. P.C.

3 The case pertains to dishonour of cheque by the proposed accused Ayub Khokar, drawn in favour of the complainant.

It appears that the complainant has chosen to file complaint u/s 406 and 420 only because the complaint for the offence punishable u/s 138 of Negotiable Instruments Act could not be filed within the statutory limit. The learned Magistrate has rightly mentioned that there were no ingredients of Section 420 of IPC. I do not find any infirmity in the order of the learned Magistrate. Similarly there is no infirmity in the order of the Sessions Court. Both the Courts have held that the dispute was of commercial nature. As already stated, the complaint for the offences punishable u/s. 406 and 420 was filed only because of expiry of statutory limit for filing the complaint for the offence punishable u/s 138 of the Negotiable Instruments act.

4 In view thereof, the application is dismissed summarily.

(JUDGE)

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