

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CRIMINAL PETITION No.28 of 2013

ORDER:

None appears on behalf of the petitioners even today.

None appeared for the petitioners on 18.06.2013 and 01.06.2015 also.

It appears the 2nd respondent herein has lodged a complaint against the petitioners herein for the offence said to have been committed by them under Section 138 read with 142 of Negotiable Instruments Act apart from the offences committed under Sections 417, 418, 420 and 427 IPC.

The complaint discloses that the 1st petitioner/accused -company issued a post dated cheque bearing No.157523 dated 05.05.2010 for Rs.4,11,000/- drawn on Union Bank of India, Patel Nagar, New Delhi and drawn in favour of the complainant company pursuant to a purchase order placed on the complainant company. When the cheque has been presented, it was dishonoured and returned with an endorsement that "payment has been stopped by the drawer." It also appears that a notice was dispatched through speed post acknowledgment due on 19.10.2010, which notice has been refused by the petitioners herein and returned to the complainant on 26.10.2010. Since payment has not been made and on the other hand the instrument has been stopped from getting realized, the complaint is lodged.

In view of the facts noticed above, a prima-facie case relating to dishonour of a cheque has been made out. Hence, there is no merit in this petition and it is, accordingly, dismissed, but however with costs.

JUSTICE NOOTY RAMAMOHANA RAO

08.06.2015
Ksp