

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 159 of 2016**

Roshan Lal Sahu S/o Gunit Ram Aged About 47 Years R/o House No. 130, Main Road, Near Atal Chowk, Megha, Tahsil - Kurud, District - Dhamtari, Chhattisgarh

**---- Petitioner****Versus**

Shriram Transport Finance Company Limited Through Its Branch Manager/legal Representative Pankaj Dubey, S/o B. K. Dubey, Office At First Floor, Above I C I C Bank, Near Menonite Church, Jagdalpur Road, Tikrapara, Police Station - City Kotwali, Dhamtari, Chhattisgarh

**---- Respondent**


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|--------------------|---|------------------------------|
| For the Petitioner | : | Shri Sanjeev Sahu, Advocate. |
| For the Respondent | : | Not noticed.                 |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**  
**Judgment On Board**

**04/02/2016**

1. Heard on admission.
2. Facts in brief for appreciation of the instant Cr.M.P. are that the Petitioner has filed an application under Section 91 of the Code of Criminal Procedure for production of documents regarding finance and other connected documents. The Court below has rejected the said application holding that the Complainant filed the instant complainant case under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act'), on perusal of the complainant case it appears that the money was given to the Accused/Petitioner to purchase the vehicle and the Accused/ Petitioner gave the cheque of Rs.10,10,000/-, the matter is in relation to dishonour of the cheque, and the matter has to be fixed for complainant's statement. The Accused/Petitioner has not disclosed his defence till date showing that the

said document was relevant for proper adjudication of the case. Hence, the Court below has dismissed the application filed by the Petitioner/Accused under Section 91 of the Code.

3. Learned counsel for the Petitioner submits that the Court below ought to have directed the Complainant to furnish the documents and perused the same. Learned counsel duly relied upon the grounds taken in the petition and prays that the petition may be admitted for consideration and after due hearing the Court may kindly be pleased to grant relief as prayed for.

4. For the purposes of appreciation of arguments advanced in this behalf by the Petitioner, the instant Cr.M.P., the impugned order dated 3.10.2015 and other annexed documents are perused.

5. From perusal of the entire material available on record, it goes to show that the Complainant has filed the complainant case under the relevant Section 138 of the Negotiable Instruments Act as the cheque given by the Accused/Petitioner for repayment of loan taken from the Respondent to purchase the vehicle, was dishonoured. The complainant case is under the provisions of Section 138 of the Act. In the considered view of this Court, I do not see any illegality or impropriety to invoke inherent jurisdiction of this Court to direct the Court below to call for the aforesaid documents as prayed in the application under Section 91 of the Code.

6. On due consideration, the order passed by the trial Court does not call for any interference. Accordingly, the petition has no substance and is dismissed at the motion stage itself.

7. The Cr.M.P. is dismissed.

Sd/-

Chandra Bhushan Bajpai  
**Judge**