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**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 420 of 2014**

Suresh Prashad Shrivastava S/o Late Shri Keshav Prashad Shrivastava Aged About 57 Years R/o Directorate Of Panchayat, Panchayat And Welfare Department, Tilhan Singh Bhawan, Behind Court Building, M.P. Nagar, Zone-2, Bhopal, Thana M.P. Nagar, Teh. And Distt. Bhopal (M.P.)

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

Sumit Chandel S/o Late Shri R.S. Chandel Aged About 33 Years R/o Banjari Chowk, Golbazar, Thana Golbazar, Raipur, Teh. & Distt. Raipur C.G.

**---- Respondent**


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| For the Petitioner | : | Shri Harsh Wardhan, Advocate. |
| For the respondent | : | Shri G.D. Waswani, Advocate.  |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****01.08.2017**

1. Heard.
2. Learned counsel for the petitioner submits that he has been falsely implicated by the respondent in a complaint case for the offence under Section 138 of the Negotiable Instruments Act, 1881. A submission is made that the petitioner is a Government Servant posted at Bhopal, he never issued any cheque in favour of the respondent and the account number which is alleged to be owned by the petitioner is infact not his account number. The petitioner has obtained a certificate from the concerned bank to this effect, that the account number mentioned in the cheque does not belongs to him. Reliance has been placed on the judgment of **Jugesh Sehgal vs. Shamsher Singh Gogi** reported in **(2009) 14 SCC 683**.

3. Learned counsel for the respondent has opposed the submissions made by the petitioner and has stated that all the submissions made, in reality, are grounds of defence which are not to be considered by this court and enter into an enquiry in this respect. Hence, it is not a fit case to be admitted.

4. Perused the copy of the complaint submitted with the petition. All the allegations made by the respondent/ complainant against the petitioner have to be rebutted in the form of allegations. It is for the petitioner to raise his defence by rebutting and disproving the case of the complainant. The certificate granted by the concerned bank is also required to be proved before the Court during the course of trial by production of witnesses in support of that document. The petitioner is a public servant, by itself does not make any difference or grant some exemption. Hence, for these reasons, no substance is found in this petition for exercise of inherent jurisdiction by this Court. Accordingly, this petition is dismissed at the motion stage.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge