

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.246 OF 2017**

Vs.

WITH

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Mr. Prerak Choudhary, Advocate for Respondent no.1.

Mr. V.V. Gangurde, APP for the respondent- State in WP No.246 of 2017.

Mr. S.R. Agarkar, APP for the respondent- State in WP No. 247 of 2017

Ms. N.S. Jain, A.P.P. for the respondent- State in WP No. 248 of 2017.

Coram : Smt. R.P. SondurBaldota, J.

Date : 14th February, 2017

P.C.

1 This is a common order on the above three petitions filed to challenge the order of issuance of process by the trial court in the proceedings filed under Section 138 Negotiable Instruments Act and the order dtd. 28th December, 2016 passed by the Sessions Court in the Criminal Revision Applications filed by the petitioners against the orders of issuance of process. It is contended by the petitioners that while the complainant does not disclose the date on which the cheques have been presented for payment, the certificate issued to them by their banker shows that the cheques had been presented for payment by the respondent beyond the period of three months. Therefore, the proceedings filed under Section 138 Negotiable Instruments Act cannot be maintained. According to them, on perusal of the different documents produced by them, an inference can be drawn that the cheques had been presented for payment belatedly. This is not the stage for consideration of the documents relied upon by the petitioner which are in support of the defence of the petitioner's to trial. Perusal of the record

shows that this is not the case where it can be said that there is no material on record to proceed against the applicant. Hence, the petitions are dismissed.

(Smt. R.P. SondurBaldota, J.)