

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-28572 of 2017(O&M)

Date of Decision: August 30, 2017

M/s Jindal Buildtech Private Limited and others

...Petitioners

VERSUS

Vinay Yadav

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kartik Gupta, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. against respondent Vinay Yadav for quashing the complaint No.138/1505/25.01.2017 titled as 'Vinay Yadav vs. M/s Jindal Buildtech Private Limited and others' under Section 138 of the Negotiable Instruments Act along with all subsequent proceeding emanating therefrom including the summoning order dated 30.01.2017.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner argued that the cheque is of 01.09.2016 and it was presented on 01.12.2016 after the expiry of mandatory 90 days. In the petition also, this fact has been mentioned.

From the perusal of the record, I find that the cheque was

returned back vide memo dated 05.12.2016. The Hon'ble Supreme Court in ***Rameshchandra Ambalal Joshi vs. State of Gujarat and another, 2014(1) RCR (Criminal) 998***, held that the date on which the cheque was drawn will be excluded and the period of six months will be reckoned from the next date. It is held in that case that the date on which the cheque was drawn i.e. 31.12.2005, will be excluded and the period of six months will be reckoned from the next day i.e. from 01.01.2006, meaning thereby that according to the British calendar, the period of six months will expire at the end of the 30th day of June 2006 and therefore, it was held that since the cheque was presented on 30.06.2006, it was presented within period prescribed. The Hon'ble Apex Court further held that validity of the cheque was for six months and six months would not mean 180 days. The period of six months cannot be calculated on 30 days in a month basis.

Keeping in view the law laid down by the Hon'ble Supreme Court, the cheque, in the present case, was presented within three months i.e. within validity period.

Therefore, finding no merit in the present petition, the same is dismissed.

August 30, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No