

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 536 of 2018

Smt. Nivedita Sahu, W/o. Dr. Devraj Behra, Aged About 46 Years, R/o. Main Chok, Tahsil- Sariya, District- Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. Sathish Singh, S/o. Tarkeshwar Singh, Representative- Singh Transport, Gajanandpuram, Paluram Dhanaliya Collage Road, Thana- Kotraroad, Raigarh, District-Raigarh, Chhattisgarh. Permanent Address- Geeta Nagar Bahanpuri, Raipur, District- Raipur, Chhattisgarh.
2. Singh Transport, Gajanandpuram, Near P.D. Collage, Thana- Kotraroad, Raigarh, District- Raigarh, Chhattisgarh.
3. State Of Chhattisgarh, Through- District Magistrate, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Sanjay Agrawal & Mr. Akhand Pratap,
Advocates

For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.03.2018

1. The present petition is against the order dated 09.10.2017 whereby a prayer to register the case under Section 420 of I.P.C. apart from Section 138 of Negotiable Instrument Act was dismissed.
2. Learned counsel for the petitioner submits that apart from the case under Section 138 of Negotiable Instrument Act, the case under Section 420 of I.P.C. is also made out, therefore, the trial Court and revisional Court has committed error not to register the case under Section 420 of I.P.C.
3. Perused the orders and the copy of complaint. Perusal of the complaint would show that *prima facie* averments have been made a cheque was given in transaction of the monetary transactions and cheque having been dishonoured complaint

was filed under Section 138 of Negotiable Instrument Act read with Section 420 of I.P.C. The complaint was registered under Section 138 of Negotiable Instrument Act.

4. Perusal of the memo of complaint do not spell out any ingredients of Section 420 of I.P.C. and *prima facie* it appears that it is out and out a proceeding for dishonour of cheque for which the Court has already registered the case under Section 138 of Negotiable Instrument Act. In view of the same, I do not find any reason to interfere with the orders passed by the learned Court below.
5. Accordingly, the petition has no merit and it is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge