

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 501 of 2018

Dr. Vishwanath Yadav S/o Late Girdhari Yadav Aged About 43
Years R/o Quarter No. 345, Ward No. 52, Street No. 10, New
Adarsh Nagar, Durg District Durg Chhattisgarh

---- Petitioner

Versus

Padma Kumar Jain S/o Late Ghisu Lal Aged About 46 Years R/o
Shubham Jewelers, New Sarafa Lines, Jawahar Chowk, Durg
District Durg Chhattisgarh

-- Respondent

For petitioner- Shri Ajay Thakre, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/03/2018

Heard.

1. Instant petition is against the order taking cognizance against the petitioner under section 138 of the Negotiable Instrument Act.
2. It is contended that when notice of complaint was received by the petitioner under section 138 of the Negotiable Instrument Act, petitioner came to know that alleged complaint is filed on the ground that the cheque which was issued by the petitioner of IDBI Bank has been dishonoured. It is contended that the petitioner did not have any account in the IDBI Bank and when preliminary objection was raised court has called for the report from the bank and therefore instant complaint was abuse of process of law and needs to be quashed.
3. Perusal of the order sheet dated 30/01/2016 typed copy of which is placed on record would show that report from the IDBI Bank was placed by the Assistant Manager, Anil Dewangan and therefore preliminary objection which is raised before the court below is pending. In view of such present petition appears to be premature as the trial court has not

passed an order on such report on merit. Such report is not before this court. It is for the trial court to finally take a call on the report and the evidence before it. No opinion can be given by this court at this stage. Instant petition appears to be premature and do not call for any interference.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)
JUDGE