

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION No. 1824 OF 2015

WITH

WRIT PETITION No. 1829 OF 2015

Rajendra Kalicharan Verma

...Petitioner

Vs.

Mahendra Bhandari and Anr.

...Respondents

Mr. Rajendra K. Verma, Party in person present

Mrs. S.S. Kaushik, APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 7, 2018

P.C.

1. The Petitioner in person is facing the prosecution for the offence punishable under section 138 of the Negotiable Instruments Act, in which pursuant to the summons ordered, the Petitioner has put his appearance. He moved an application for dismissal of the complaint on the ground that the case put forth in the complaint is false.

2. The Learned Magistrate vide impugned order dated February 28, 2011 was pleased to reject the prayer for dismissal which was confirmed in revision vide order dated 27th June, 2014, as such this proceeding.

3. The party in person submits that there was no commercial transaction

between the parties. The cheque in question was found dishonoured, and on that basis the complaint has been filed, was never issued by him. According to him, a cheque, which was misplaced, was sought to be used by the Complainant for initiating the prosecution in question.

4. If the aforesaid submissions are appreciated, the same are in the form of defence raised by the Petitioner, which is required to be established during the course of trial. Apart from above the N.I. Act provides for presumption in favour of holder of the cheque.

5. That being so, this Court hardly notices any substantial ground which warrants interference.

6. Writ petitions are dismissed in the aforesaid observations.

[NITIN W. SAMBRE, J.]