

HON' BLE SRI JUSTICE G. SHYAM PRASAD

Crl.R.C.Nos. 2916, 2926, 2928 & 2932 of 2018

COMMON JUDGMENT:-

Inasmuch as the question of fact and law and the parties involved in these Criminal Revision Cases are one and the same, these matters are taken up together for disposal by this Common Judgment.

These four matters arise out of the Docket Order dated 06.09.2018 in C.C.Nos.203 of 2015, 202 of 2015, 205 of 2015 and 201 of 2015 respectively passed by the Judicial Magistrate of First Class-cum-Junior Civil Judge, Kota.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the 2nd respondent – State and perused the material placed on record.

The petitioner is the accused in C.C.Nos.203 of 2015, 202 of 2015, 205 of 2015 and 201 of 2015. The 1st respondent-complainant filed these Calendar Cases against the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and they are pending. The grievance of the petitioner is that during pendency of these Calendar Cases, the trial Court passed the impugned Docket Orders dated 06.09.2018 directing the petitioner to appear before the Court on 12.09.2018 as he has not complied with the conditions

imposed by the trial Court. The conditions are that the petitioner has to file sufficient sureties for half of the cheque amount for the like sum to the satisfaction of the trial Court and secure his presence before the Court on 12.09.2018. As the petitioner has not complied with the conditions, the trial Court issued NBW against him.

The grievance of the petitioner is that the conditions imposed by the trial Court directing to furnish sureties for half of the cheque amount, are harsh and unreasonable.

In the ordinary course, this Court does not entertain revisions Cases against interlocutory orders, but in the facts and circumstances of the case the impugned orders passed by the trial Court imposing condition of furnishing sufficient sureties for half of the cheque amount to the satisfaction of the trial Court even during pendency of the Calendar Cases are not in accordance with law. The trial Court ought to have ordered appearance of the petitioner before the Court without imposing stringent conditions like directing him to furnish sureties for half of the cheque amount.

Moreover, the orders impugned in these Criminal Revision Cases are interlocutory in nature, and this Court, in exercise of its revisional jurisdiction, cannot entertain these cases. At this stage, the learned counsel for the petitioner submits that the accused is in judicial custody and he has filed

a petition before the trial Court seeking bail. In view of his submission, the petitioner is given liberty to approach the trial Court for redressal of his grievance by filing a petition for recalling N.B.W., and on such petition being filed, the trial Court shall consider the same and pass appropriate orders.

With the above observations, these Criminal Revision Cases are disposed of.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

31.10.2018

Note: Furnish copy in three days

b/o
bcj

G. SHYAM PRASAD, J

