

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1634 of 2017

Sahu Shivaji S/o Chhotelal Sahu Aged About 30 Years R/o Mamhar Bajara , Post Sarwatkhani , District Santravidas Nagar Bhadohi U. P.

--- Petitioner

Versus

Ma Sakti Steel Traders Proprietor Sujeet Jaiswal S/o Shri Gopaldas Jaiswal Aged 39 Years Resident Dubey Complex Pratappur Naka , Ambikapur District Sarguja Chhattisgarh.

--- Respondent

For the applicant : Mr. Pramod Shrivatava,, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.2.2019

1. Heard.
2. Learned counsel for the petitioner submits that the framing of charges u/s 138 of the N.I. Act is bad in law since the complaint was not filed within 45 days from the date of dishonour of cheque. It is submitted that when the charge was subject to challenge before the Revisional Court, the Revisional Court has failed to appreciate those facts.
3. Along-with the petition, neither copy of cheque nor the information as to when the notice u/s 138 of N.I. Act was received has not been placed on record. It is too vague to file the petition only on the ground that the cheque was bounced on 18.11.2014.

4. It is contended that the framing of charge u/s 138 of N.I. Act cannot be sustained.
5. A perusal of the order of revisional court shows that intimation for dishonour of cheque was given on 18.11.2014. Thereafter within 30 days as per section 132-B of the Act the notice was served and thereafter 15 days after receipt of notice on 21.09.2015 the complaint was filed. The petitioner has failed to place on record he documents to demonstrate when the notice was served or how it is barred by time. The finding of fact which is rendered by the revisional Court prima facie recorded that the complaint was within time. If the petitioner was so sanguine of the fact that after prescribed period of limitation, complaint has been filed, the respective documents should have been placed on record. In absence of such documents, nothing can be assumed against framing of charge.
6. Accordingly, the petition has no merit and is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE