

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.829 OF 2019

Mr. Arunkumar D Singh
Proprietor of M/s Super Engineering Works : Petitioner.
Versus
Shri Dinesh Tiwari
Proprietor of M/s. Garima Steel Traders & anr. : Respondents.
Mr. Jitendra M Patil for the Petitioner.
Mrs. M R Tidke, APP for the Respondent/State.

CORAM : S. S. SHINDE, J
DATE : 05th August 2019

PC.

1 Heard the learned counsel for the Petitioner. He submits that the original complainant has admitted before the Assistant Commissioner of Sales Tax that he is not involved in any trading or doing any business. It is submitted that in the present proceedings which are pending before the Trial Court, the complainant has stated that he has supplied certain goods to the Petitioner and on account of payment, the Petitioner has issued a cheque in favour of the complainant which is the subject matter of the proceedings. It is submitted that the Petitioner has filed an application to examine the Assistant Commissioner of Sales Tax, Mazgaon, Mumbai so as to place reliance upon his evidence/statement in support of the contention of the Petitioner that the complainant is not involved in any trading or doing any business, and on account of said supply of goods, the Petitioner has issued the cheque in

question.

2 In the first place the order impugned in this Petition has been passed on 14/01/2019, and secondly the reasons assigned by the Trial Court in paragraph 3 are convincing and cogent and, the view taken by by the learned Magistrate appears to be reasonable. It is important to note at this stage that the proceeding filed under Section 138 of the Negotiable Instruments Act are expected to be completed by the Trial Court within a period of six months from its initiation, and within three months from assigning the case to the concerned Judicial Magistrate, the evidence is required to be recorded.

3 In the light of above, the view taken by the Trial Court is plausible, reasonable, and in consonance with the material on record. No case is made out to interfere with the impugned order. The present Writ Petition is accordingly rejected.

[S. S. SHINDE , J]