

HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.2131 OF 2019

ORDER:

1 The petitioner is the accused in C.C.No.748 of 2018 on the file of the learned Additional Judicial First Class Magistrate, Gajwel, relating to an offence under Section 138 of the Negotiable Instruments Act, 1881.

2 It is the case of the petitioner/accused that the said cheque bounce case was not filed within time and therefore the case itself is liable to be dismissed on the ground of limitation.

3 This is an aspect which would have to be raised by the petitioner / accused during the course of trial and without sufficient evidence being adduced, it would be wholly premature for this Court to enter into this aspect of the matter at this stage.

4 The Criminal Petition is accordingly dismissed leaving it open to the petitioner to raise the issue before the trial Court and adduce evidence in support of his contention.

5 In consequence, I.A.No.1 of 2019 is also dismissed.

JUSTICE SANJAY KUMAR

April 24, 2019.

Kvsn