

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPURCRMP No. 315 of 2020

- Bodhan Lal Sahu S/o Moti Lal Sahu Aged About 42 Years Occupation Contractor, Resident Of Akalwara, Post Khudni, Tahsil Gurur, District Balod Chhattisgarh

---- Petitioner

Versus

- Jeevrakhan Lal Sahu S/o Sudershan Lal Sahu Occupation Kirana Shop , Resident Of Akalwara, Post Khudni, Tahsil Gurur, District Balod Chhattisgarh.

---- Respondent

For Petitioner : Mr. Sanjeev Kumar Sahu, Advocate

Hon'ble Shri Justice Sanjay K. AgrawalOrder on Board04/02/2020

1. Heard on admission.
2. Learned counsel for the petitioner would submit that the petitioner is an accused standing trial for offence under Section 138 of Negotiable Instruments Act, 1881 (henceforth 'the NI Act') in which he has filed an application for summoning the concerned Branch Manager of the Bank from where the cheque issued by him has become dishonored, which the trial Court has refused against which this petition under Section 482 of the Code of Criminal Procedure (henceforth 'the Cr.P.C.') has been preferred.
3. I have considered the submission of learned counsel for the petitioner and went through the record with utmost circumspection.
4. The learned trial Magistrate has given sufficient and valid reasons for not summoning the Branch Manager for adducing the evidence holding that the Bank has already issued the cheque with the memo (insufficient fund) and

there will be presumption under Section 146 of the NI Act, as such, the summoning of Branch Manager is not necessary, therefore, I do not find any perversity and illegality in the said finding.

5. Accordingly, the petition filed under Section 482 of the Cr.P.C. deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge