

29.09.2021
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(via Video Conference)
CRR 2296 of 2009
CRR 2297 of 2009

In the matter of : P. K. Singh @ Promode Kumar Singh
... Petitioner.

Mr. Manjit Singh
Mr. Gaganjyot Singh
Mr. Biswajit Mal
Mr. Pawan Kumar Gupta
...for the petitioner

Mr. Amitava Mitra
...for the opposite party/I.C.I.C.I. Bank Ltd.

These two revisional applications relate to the same individual and also relate to a common issue and accordingly, both the matters are taken up conjointly.

Mr. Manjit Singh, learned Advocate assisted by Mr. Gaganjyot Singh, learned Advocate for the petitioner submits that both the cases instituted under Section 138 of the Negotiable Instruments Act, 1881 are based upon two cheques that were drawn on Bank of India. He also submits that upon carrying out R.T.I. investigation it has transpired that both these cheques were not issued by the petitioner as he does not hold any bank account in Bank of India. He accordingly submits that no case whatsoever is made out under the Negotiable Instruments Act, 1881.

Having considered the material facts and upon hearing both the parties, I am of the view that there is no point in allowing such a case to be continued and to be tried before the trial court.

Accordingly, I quash the complaints bearing Complaint Case nos. 13267/2009 and 13228/2009 and the proceedings thereunder.

I make it clear that quashing of these complaints and proceedings shall not preclude the respondent-Bank to pursue its claim against the petitioner in accordance with law.

With the above observations, both the revisional applications are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Shekhar B. Saraf, J.)