

ITEM NO.23

Court 6 (Video Conferencing)

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.14203/2020

(Arising out of impugned final judgment and order dated 15-11-2019 in MCRC No. 27728/2017 passed by the High Court of M.P. at Gwalior)

PITAMBAR LOKWANI & ANR.

Petitioner(s)

VERSUS

DEEPAK RAO KHATKE

Respondent(s)

(With appln.(s) for I.R. and IA No.62177/2020-CONDONATION OF DELAY IN FILING and IA No.62179/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.62181/2020-EXEMPTION FROM FILING O.T. and IA No.62184/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 15-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Shishir Kumar Saxena, Adv.
Mr. R.N. Pareek, Adv.
Mr. P.K. Sinha, Adv.
Mr. Brijendra Singh, Adv.
Mr. Kanishk Chaudhary, Adv.
Mr. Praveen Swarup, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 Mr Shishir Kumar Saxena, learned counsel appearing on behalf of the petitioners states that the petitioners have filed a complaint under Section

138 of the Negotiable Instruments Act 1881 on 1 November 2013, which is pending trial. Learned counsel submits that the complaint which has been filed by the respondent before the JMFC under Section 420 read with Section 34 of the Indian Penal Code arises out of the same cheque of Rs 4,60,000, which forms the subject matter of the complaint under Section 138. He submits that the complaint which has been filed by the petitioner prior in point of time should be expedited and be disposed of first or in the alternate, both the cases may be tried together.

- 2 Delay condoned.
- 3 Issue notice, returnable in four weeks.
- 4 Service be effected on the complainant-respondent through Dasti.
- 5 Liberty to serve the Standing Counsel for the State of Madhya Pradesh, in addition.

(CHETAN KUMAR)
AR-cum-PS

(BEENA JOLLY)
BRANCH OFFICER