

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1285 OF 2017
(@SLP (CRL.) NO. 4379 OF 2017)

DILIP KUMAR

APPELLANT

VERSUS

SUNITA MITTAL

RESPONDENT

O R D E R

Leave granted.

We have heard learned counsel for the parties.

It is not necessary to take note of the factual matrix and it is suffice to state that the respondent herein has filed complaint under Section 138 of the Negotiable Instruments Act alleging that certain loans were given and for which the cheques were issued by the appellant herein to the respondent and on the dishonour of cheques, complaint has been filed.

In defence, the appellant did not dispute the payment of loan of Rs.1.43 crores. However, the case put up by him is that the cheques in question, on the basis of which the aforesaid complaint has been filed, were given by way of security of loan, which was repaid by means of cheques which were duly encashed and partly by cash and even after the repayment of loan, the respondent misused those cheques and filed the complaint.

During cross-examination of the respondent, issue arose as to how these payments were shown by the respondent in her Income Tax Return and, in these circumstances, the Trial Court ordered the

respondent to produce Income Tax Returns for the period 2005-06 to 2011-12.

This order was challenged by the respondent by filing revision petition, which was allowed and the order was set aside. The appellant challenged the order passed in the revision petition filed by the respondent and it was dismissed by the High Court.

After hearing learned counsel for the parties, we are of the opinion that to meet the ends of justice in the matter, the order of the Trial Court directing the respondent to produce the Income Tax Returns was not justified.

At the same time, we also find that cheques and cash payments were given by the petitioner during December, 2011 and May 2012. In these circumstances, purpose would be served in directing the respondent to supply the copies of Income Tax Returns for two years i.e. for the Assessment Year 2012-13 and 2013-14 to the appellant.

The appeal is allowed to the aforesaid extent.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

New Delhi
July 24, 2017

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4379/2017

(Arising out of impugned final judgment and order dated 02-03-2017 in CRLMC No. 4230/2014 passed by the High Court of Delhi at New Delhi)

DILIP KUMAR

Petitioner(s)

VERSUS

SUNITA MITTAL

Respondent(s)

(FOR ADMISSION AND I.R. FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 43543/2017)

Date : 24-07-2017 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHANFor Petitioner(s) Mr. Ankit Swarup, AOR
Ms. Tanya Swarup, Adv.For Respondent(s) Mr. Arun K. Sinha, AOR
Mr. Vimal Kr. Anand, Adv.
Mr. Sarthak Sachdev, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Heard learned counsel for the parties.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(RASHI GUPTA)
SENIOR PERSONAL ASSISTANT(MALA KUMARI SHARMA)
BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]