

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1786 Of 2017  
(@ SPECIAL LEAVE PETITION (CRL.) NO. 7105 OF 2011)

THAMIZHARASI . . . APPELLANT(S)

VERSUS

K. ARJUNAN . . . RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

We are unable to sustain the impugned order as the reasoning in the order of learned Appellate Court and the High Court is unsustainable.

We hold that there was a compliance of proviso(b) to Section 138 of the Negotiable Instruments Act as the initial notice was sent within fifteen days of the dishonour of the cheque. The second notice was not debarred. Thus, the matter needs fresh consideration on merits.

Accordingly, this appeal is allowed and the matter is remanded to the successor Court of Additional District and Sessions Judge (FTC III) Namakkal for fresh decision on merits.

Parties are directed to appear before the above  
Court for further proceedings on 13<sup>th</sup> November, 2017.

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI  
12<sup>th</sup> OCTOBER, 2017

.....J.  
[UDAY UMESH LALIT]

ITEM NO.45

COURT NO.10

SECTION II-C

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). 7105/2011  
(Arising out of impugned final judgment and order dated 11-03-2011  
in CRLA No. 349/2004 passed by the High Court Of Judicature At  
Madras)

THAMIZHARASI

Petitioner(s)

VERSUS

K. ARJUNAN

Respondent(s)

Date : 12-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Senthil Jagadeesan, AOR  
Ms. Shruti Iyer, Adv.  
Ms. Sonakshi Malhan, Adv.  
Ms. Suriti Chowdhary, Adv.

For Respondent(s) Mr. V.N.Subramaniam, Adv.  
Mr. Anzu K.Varkey, Adv.  
Ms. Madhusmita Bora, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall also stand  
disposed of.

(MADHU BALA)  
COURT MASTER (SH)  
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER