

ITEM NO.37

COURT NO.4

SECTION II-B

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). 6727/2017

(Arising out of impugned final judgment and order dated 19-07-2017 in CRMM No. 6744/2017 passed by the High Court Of Punjab & Haryana At Chandigarh)

JAGAT SINGH

Petitioner(s)

VERSUS

SUMITRA & ANR.
(FOR ADMISSION and I.R.)

Respondent(s)

Date : 19-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Deepkaran Dalal, Adv.
Mr. Yash Pal Dhingra, AORFor Respondent(s) Mr. Abhigya, Adv.
Mr. Nishant Anand, Adv.
Mr. Kumar Sumit, Adv.
Mr. Gaurav Goel, AORUPON hearing the counsel the Court made the following
O R D E R

The impugned judgment has non-suited the petitioner insofar as a bounced cheque dated 21.02.2015 for Rs. 25,00,000/- (Rupees Twenty Five Lakhs only) is concerned on the footing that once a legal notice has been issued for the first time, the cause of action insofar as a second presentation of the cheque is concerned disappears. For this purpose, the High Court relied upon Sadanandan Bhadran Vs. Madhavan Sunil Kumar (1998) 6 SCC 514.

This very judgment has been overruled by a three-Judge Bench of this Court in MSR Leathers Vs. S.Palaniappan & Anr. (2013)1 SCC 177.

Accordingly, the High Court judgment dated 19.07.2017 is set-aside and the summoning order passed by the learned Judicial Magistrate is restored. Since the case is of the year 2015, we direct the learned Judicial Magistrate, Ist Class, Rohtak, Haryana to dispose of the said case within a period of three months from the date on which he receives a copy of this order.

The Special Leave Petition is disposed of accordingly.

Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER