

Ritu Ranger vs.m/s. s.r. Technosoft Pvt. Ltd. & Anr

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SooperKanoon Citation : sooperkanoon.com/1215892

Court : Delhi

Decided On : Jul-09-2018

Appellant : Ritu Ranger

Respondent : M/S. s.r. Technosoft Pvt. Ltd. & Anr

Advocate for Pet/Ap. : Mr. Sunil Kumar Sharma

Judgement :

\$~13 IN THE HIGH COURT OF DELHI AT NEW DELHI Decided on:-

"9th July, 2018 + CRL.M.C. 2346/2015 RITU RANGER

... Petitioner

Through: Mr. Sunil Kumar Sharma, Advocate versus M/S. S.R. TECHNOSOFT PVT. LTD. & ANR....

... RESPONDENTS

Through: CORAM: HON'BLE MR. JUSTICE R.K.GAUBA ORDER (ORAL) 1. On the three criminal complaints (CC No.351/1/14, CC No.661/1/14, and CC No.662/1/14) of the first respondent (the complainant) by orders dated 15.03.2014 and 02.05.2014, the petitioner along with certain others including the first respondent (her employer company) were issued summons to face criminal prosecution for the offences punishable under Section 138 of the Negotiable Instruments Act, 1881 respecting certain cheques which had been issued in her favour against the account of the first respondent, the same having been

dishonoured and returned unpaid upon being presented at the bank and no payment having been made there against in response to the demand notices which were statedly issued and served.

2. The petitioner feeling aggrieved by the said summoning orders had invoked the revisional jurisdiction of the court of Sessions by Crl. M.C. No.2346/2015 Page 1 of 3 presenting revision petitions (Criminal revision No.57-59/2015) which were dismissed by common order dated 17.04.2015. The present petition has been filed invoking extraordinary jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to bring a challenge to the summoning order as also the order of the revisional court, the prime contention being that the role and responsibility of the petitioner herein was limited and did not relate to the transactions in question.

3. Against the above backdrop, a question arose as to whether the petitioners having availed of the remedy of revision should be allowed to take recourse of Section 482 Cr.P.C. as a substitute for bringing virtually a second revisional challenge or scrutiny which is clearly barred under Section 397 (3) Cr.P.C.

4. This Court in an almost similar fact-situation, taking note of the decisions of the Supreme Court reported as Krishnan Vs. Krishnaveni, (1997) 4 SCC241 Rajinder Prasad Vs. Bashir, (2001) 8 SCC522 and Kailash Verma vs. Punjab State Civil Supplies Corporation & Anr., (2005) 2 SCC571 and following similar view taken by a learned single Judge of this Court in Surender Kumar Jain vs. State & Anr., ILR (2012) 3 Del 99, in absence of a special case being made out, has earlier declined to interfere by the ruling (dated 03.07.2018) in Crl.M.C. 164/2018 Ajay Maini vs. The State Govt. of NCT of Delhi & Ors. in exercise of extraordinary jurisdiction under Section 482 Cr.P.C.

5. There are no special circumstances made out in the case at hand for the revisional courts view to be disturbed. Crl. M.C. No.2346/2015 Page 2 of 3 6. The petition stands dismissed. R.K.GAUBA, J.

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