

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. \_\_\_\_\_ of 2019  
(Arising out of S.L.P. (CrI.) No(s). 3858/2019)

PAVAN DILIPRAO DIKE ...Appellant(s)

*VERSUS*

VISHAL NARENDRABHAI PARMAR ...Respondent(s)

O R D E R

Leave granted.

While setting aside the order of acquittal of the appellants under Section 138 of the Negotiable Instruments Act, 1981, the High Court convicted the petitioner and directed deposit of an amount of Rs.1,20,000/- within a period of two months. In case of default, the appellant was directed to undergo imprisonment of one year.

Pursuant to the order passed on 22.04.2019 while issuing notice, the appellant was directed to deposit a sum of Rs.1,20,000/- in the Registry. Subject to deposit of the said amount with the Registry of this Court, the Appellant was directed to be released on bail.

The learned counsel for the Appellant submitted that the judgment of the trial court is supported by reasons and the High Court ought not to have reversed the judgment.

We do not agree with the submission of the learned counsel. We are of the opinion that the High Court has

rightly reversed the order of acquittal passed by the trial court wherein the presumption under Section 138 has not been taken into account. The trial court committed an error in placing heavy burden on the complainant to prove the debt.

We are informed that an amount of Rs.1,20,000/- has been deposited in this Court. The Respondent is at liberty to withdraw the amount. For the afore-mentioned reasons, the order of the High Court is affirmed. The appeal is disposed of.

.....J.  
[L. NAGESWARA RAO]

.....J.  
[HEMANT GUPTA]

NEW DELHI;  
July 12, 2019.

ITEM NO.35

COURT NO.12

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**

Petition(s) for Special Leave to Appeal  
(Cr1.)No(s).3858/2019

(Arising out of impugned final judgment and order dated  
16-05-2018 in CRLA No. 507/2009 passed by the High Court Of  
Judicature At Bombay At Nagpur)

PAVAN DILIPRAO DIKE

Petitioner(s)

**VERSUS**

VISHAL NARENDRABHAI PARMAR

Respondent(s)

(Office Report for direction)

Date : 12-07-2019 This petition was called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Mr. Rajat Joseph, AOR

For Respondent(s)

Mr. Kunal Cheema, AOR  
Mr. Aditi Parkhi, Adv.

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

Leave granted.

The appeal stands disposed of in terms of the signed  
order.

(KAVITA PAHUJA)  
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)  
BRANCH OFFICER

[Signed order is placed on the file]