



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 3691/2024

Ishak Mohammad S/o Shafi Mohammad, Aged About 56 Years,
Prop. M/s Mi Engineering Services, Rawatbhata, R/o Near Rps
Workshop, Rps Colony, Rawatbhata, Dist. Chittorgarh (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Jagdish Kumar S/o Godha Ram, Prop. M/s Jk And Sons,
R/o Chetak Markes, Main Gandhi Sagar Road,
Rawatbhata, Dist. Chittorgarh (Raj.)

-----Respondents

For Petitioner(s) : Mr. Mohit Singh Choudhary
For Respondent(s) : Mr. Gaurav Singh, PP

HON'BLE MR. JUSTICE ARUN MONGA

Order

01/07/2024

1. The petitioner's (an accused) grievance is against an order dated 09.10.2023 passed by the learned Additional Sessions Judge, Begu, Chittorgarh, which upheld the order dated 11.05.2023 by the learned Additional Chief Judicial Magistrate, Rawatbhata, Chittorgarh, dismissing his application under Section 91 Cr.P.C.

2. The relevant facts of the case are that in proceedings under Section 138 of the Negotiable Instruments Act, 1881 instituted against the petitioner, he filed an application seeking a direction to the complainant to produce his Income Tax Return and money lending license. This application was dismissed by the trial court on 11.05.2023. Aggrieved by this, the petitioner filed a revision petition before the Additional Sessions Judge, Begu, District



Chittorgarh, which was also dismissed on 09.10.2023. Hence, this petition.

3. In the background of the narrative provided in the petition, I have heard the learned counsel for the petitioner.

4. A review of the order dated 11.05.2023 by the Additional Chief Judicial Magistrate, along with the revisional order dated 09.10.2023 by the Additional Sessions Judge, reveals that same are premised on valid reasoning. It has been noted by learned Session Judge that the revisionist/petitioner did not even file any affidavit in support of the application under Section 91 Cr.P.C. That aside, he failed to demonstrate as to how the documents sought for are necessary and relevant for the judicial disposal of the case under Section 138 of the N.I. Act. All that the Court has to determine is whether an offense has been committed by the accused or not. If an offense under Section 138 of the N.I. Act has been committed the consequences would follow.

5. Whether the complainant had a license to lend on interest is not relevant in the case of cheque dishonor. In the case of cheque dishonor, what is to be seen is if the cheque was issued in relation to a valid loan and was dishonored without payment, even after giving notice.

6. Having thus perused the file and after going through the reasoning assigned in the impugned orders, I find no irregularity either in facts or in law.

7. The application of the petitioner filed before the learned trial court appears to be merely a dilatory tactic to delay the proceedings and has been rightly dismissed. Therefore, no interference is warranted.



8. The petition, being devoid of merit, is accordingly dismissed.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA),J

33-skM/-

Whether fit for reporting : Yes / No

