

(Prathvi Raj Singh Vs. State of M.P. and others)
05.09.2017

Shri Sanjeev Jain learned counsel for the petitioner.

Petitioner has filed this petition under Section 482 of Code of Criminal Procedure for quashing the order dated 17.05.2016 passed in Case No.372 of 2013 by the Court of Judicial Magistrate First Class, Gwalior, and also consequent order dated 04.03.2017 passed by the Court of 4th Additional Sessions Judge, Gwalior, in Criminal Revision No.6400177/2016.

It is petitioner's case that complainant had filed a complaint alleging dishonour of four cheques drawn on Central Bank of India totaling Rs.22,00,000/- therefore, he is required to pay Court fees after valuing each cheque to constitute separate and distinct cause of action rather than making a cumulative assessment of the Court fees. The Courts below have rejected this contention, hence, this petition under Section 482 of the Cr.P.C.

The "word" cause of action needs to be defined. One of the indispensable factors to form the cause of action envisaged in Section 138 of the Act is contained in Clause (b) of the proviso to that section. It involves the making of a demand by giving a notice in writing to the drawer of the cheque "within fifteen days of the receipt of information by him from the bank regarding the return of the cheque as unpaid"

Thus, it is apparent that notice constitutes

cause of action and, therefore, what is to be examined is that whether notice was issued cumulatively for all cheques or separate notices were issued for each of the cheque.

Since in the present case, admittedly, single notice was issued for all the cheques as is contained in Annexure P/4, there is one single cause of action and, therefore, the complainant has rightly calculated the Court fees on total sum of Rs.22,00,000/- rather than following each of the cheques separately. If the cause of action would have been different then each cheque would have been valued separately and court fee would have been paid accordingly. Thus, Courts below have not committed any illegality in rejecting the contention of the petitioner as to payment of Court fees by making separate valuation of each of the cheques. Thus, the petition fails and is hereby dismissed.

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(Vivek Agrawal)
Judge