

TALATANI

“Rai on·ako ku·siktangona peanira mamlako nalis ka·giparangna kutango masina mangmangsan ong·aia,arang gipin kamrangna jakkalaniko champenga. Pilak kamrangna ba officeni sea·jotanirangna Englishchi seanikosa kakket/ chongmot seani ine ra·gen aro uakosa jarikna aro ra·gatna jakkalna man·gen”.

U-IATNA-NANGGIJAGIPA
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal 2139 of 2014
(Special Leave Petition (Criminal) No.8348 of 2013-oni ong·katgipa mamla)

M/s. Sesami Chemicals Pvt. Ltd.Mamla ka·e mol·molgipa
(Appellant)
- Susagipa -

State of Meghalaya & othersMamlao aganchakna nanggipa dolrang
(Respondent)

Unbaksana

CRIMINAL APPEAL No.2140 OF 2014
(Special Leave Petition (Criminal) No.5317 of 2014-oni ong·katgipa mamla)

M/s. Sesami Chemicals Pvt. Ltd. & AnotherMamla ka·e mol·molgipa dolrang
(Appellants)
- Susagipa -

Sanjay Kabra & AnotherMamlao aganchakna nanggipa dolrang
(Respondents)

RAI

Chelameswar, J.

1. Uamangni SLP minggnio gipin kacharini mamlarangna chutti bianirangna ra·chaka.

Soi ka·ako kakket
ong·a ine mesokani
dongja

Criminal appeal SLP(CRIMINAL)No.9348 of 2013-oni ong·katgipa ong·a.
Digital gita
Deepak Mansukhani
Soi ka·a
Tarik: 2014.09.27
12:07:21 IST
A·sel:

2. High Court of Meghalaya-ni Criminal Petition (SH)No.68 of 2011 tarik 21.5.2013-o rai aro ge·etaniko on·anina duk man·e, brigipa aganchakna nanggipa dolni ia kachario appealko (ongipa kacharini raiko ra·biani) segateaha.

3. Kosako janapgimin Criminal Petition-ara, 2-gipa aro 3-gipa Bibadini (aganchakna nanggipa manderang) segategipa mamla, jean (kan-dike agangenchimde "susachakgipa manderang/ pota man-gipa manderang"ni) Umiam Police Station-o Case No.43(10) of 2011 (GR.No.185 of 2011) Section 120 B/418/520 IPC-ni ning-o 12.10.2011 tariko First Information Report (FIR) ka-ani bidingo ra-galchina bi-ani ong-a.

4. A-bachengaonin, an-ching pilak a-selrangan ka-mao mesokgipa meligrikgija golmalrang gnangani gimin ine janapna man-a.

5. Je, mamla ka-e hukumko ra-bianiko dakgipa Company-ara Ferrosilicon-rangko (rakgipa silgrak) tarie badinggipa ong-achim. Nikani gita, mamla ka-e ra-bianiko dakenggipa company aro mamlao susachakgipa/ pota man-gipa-ni ku-rachakgrike ra-ani gita, mamlao ra-bigipa company, mamlao susachakgipa/ pota man-gipana bang-bea silgrakrangko palaha (jeni chu-gimik serikarang dongja) aro indake tarigimin silgrakrangko changbri gong 46,79,890/-ni damniko watataha jenan mamlao susachakgipa/pota man-gipa gong 10,00,000/- gamaha aro gong 36,79,89-mang gamna bangki dongkuengachim.

6. 12.10.2011 tariko, section 120-B/418/520 IPC-ni ning-o jean ia ong-enggipa mamlani miksongani ong-achim uano pangchake ia mamlao ra-bianiko dakgipani ge-etanichi Umiam Police Station-o FIR No.43(10) of 2011-ko segataha.

7. 31.10.2011 tariko, skia man-begipa Additional District Magistrate, Nongpoh, uni kachario non-bailable warrantko (okna ampilgijagipa patoko chipataniko see on-ani) mamlao susachakgipa dolna/ pota man-gipana hukumko on-aha.

8. Gipin sakkirangde golmalo ong-a. Mamla ka-e ra-bianiko dakgipani aganani gitade, mamlao susachakgipa dol/pota man-gipa kosako janapgimin mamlako segataniko knaani ja-mansa mamlao ra-bigipa baksa nangrimaniko dakeaha aro tangka gong 71,34,489/- gamna bangki dongkuenggipana breani baksana chotna ru-utani sudko gamna ku-rachakaha.

9. Ian mamla ka-e ra-bigipani mamla ong-a indake 3.11.2011 tariko, mamlao susachakgipa dol/ pota man-gipa tangka gong 40,00,000/- ko gamaniko dakaha aro dongkuenggipa bangki tangkana gong 31,34,489/-na payee chequeko on-aha. Agangimin chequeko mamla ka-e ra-bigipa uamangni bankerna (uamang kamko

bank-o kam ka-gipa) ra-na on-eaha aro uako gamtingipa bankerna on-on “Gamaniko cheque tarigipa dontongataha” ine sea gnang watatpilaha.

10. Unomiting somoio, mamlao susachakgipa dolgipin/ pota man-gipa kosako janapgipa Criminal Petition No.68 of 2016-ko segateaniko dakaha. Agangimin mamlani bon-kujamiting somoion, kosako janapbagimin watpilatgipa cheque-na mamlao ra-bigipa Judicial Magistrate First Class, Shillongni mikkango Crime Case No.87(S)/2012-ko segateaniko dakaha.

11. Mongsonggipa ra-bigipa rai-o, kosako janapgimin Criminal Petition No.68 of 2011-o mol-mole segateaniko ra-chakaha aro kosako janapgimin minggni FIR-rangoni skanggipako den-gale galaha jean Case No.43(10) of 2011 tarik 12.10.2011-o ka-gipa ong-a.

12. Mamlao susachakgipa dol/ pota man-gipa-ni mamlako ka-mao indake mesoka:-

13. Mamlao susachakgipa/ Pota man-gipa 02.3.2008 tariko Ferrosilicon-ko (tarigimin silgrakko) tangka gong 46,79,890/-na mamlao ra-bianiko dakgipaoniko breaha aro tangka gong 10,00,000/--ko gamaha. Jensalo bosturangko man-soa unon bosturang namen nama ong-ja ine nike mamla ka-gipa company-oniko aganate uamangoniko uamangni tangkako on-pilchina dabiaha.

14. Mamlao susachakgipa/ pota man-gipani aganani gita, mamlako ra-bianiko dakgipa a-bachengo uamangni tangkako on-pilna aro an-tangtangni bostuko ra-pilna ku-rachakaha indiba ja-mano mamlao ra-bianiko dakgipa, pota man-gipako ramram bajaro pale tangkako ra-china ku-pattiaha. Indiomangba ja-mano mamla ka-e ra-bigipani ge-etanichi bangbangipa lekkao slai mesoke mamlao susachakgipani/ pota man-gipaniko soi ra-aha.

Cheque jean Crime Case No.87(S)/2012-ni mamlani miksongani ong-a uan slai mesoke man-gipa lekka ong-a.

15. Kosako janapgimin mamlani ning-on golmalni bidingo sing-anio, Skia man-begipa High Courtni Judge, FIR jean Case No.43(10) of 2011 tarik 12.10.2011 ong-a una talbregija hukumko on-na kraa ine chanchiaha. Iana miksonganio nangchapgipa bakkosan ra-e indake seaniko poraina man-gen.

“Bar-o skia man-begipa ukilni agananiko knatimanio aro a-sel ong-a chong-mot aro mamlani obostarangko nie, angni indake nikanio, iani golmal

ong-aniara ramram mamlani ning-osa ong-a, dos rakbegipa mamlao (criminal) ga-akja. Unigimin, anga FIR 12.10.11 tariko ka-gipako niamni nikanio gachatna nikjae donangkuna a-selko nangnikjae bon-ate galaha.

16. Chingni nikanio gita, mamlao susachakgipa Code of Criminal Procedure 1973-ni Section 482-ni ning-o mamla segataniko dakanio kacharini dakrongbewalko jakkalstretani ong-a. Nikani gita, golmalni a-selrang namen chanchina nangani ong-a. Kakket ong-aniko ba ong-jaoba ong-a chong-motko ma-sinade bichal kao sakki man-aniosa pangchakgen. Chinga uni gimin FIR No.43(10) 2011 tarik 12.10.2011-o bon-ate galaniko High Court gualani ine nika. Chinga, uni gimin High Court-ni hukumko ra-gale gala. Skanggipa susachakgipa dolko FIR No.43(10)2011-ko niam gita dakangchina gita ge-etaniko on-aha.

17. Uandake SLP (Criminal) No.5317/2014-oni ong-katgipa Criminal Appeal-na mamla ka-e ra-bianina ra-chakaniko dakaha.

18. Gauhati High Court, Shillong Bench-ni Criminal Petition (SH)No.40/2012 14.9.2012 tariko on-gipa rai aro ge-etanio jeon High Court Case No.87(S)/2012-ko Negotiable Instrument Act, 1881-ni Section 138-ni ning-o pangchake bon-ate galanina duk man-e, ua mamlao susachakgipa dol No.1 aro 2 appealko segateaniko dakaha.

19. Mamlao bak dongchapgipa manderang skang appeal-ko segategipa baksa apsanrangan ong-a. A-selrang nangchapgrika aro namen susagrikbeani ong-a. Unigimin, chinga ra-bigipa rai-ko High Court-ni bon-ate galaniko gualbeani ine ra-gale gala aro Case No.87(S)/2012-ko niam gita dakangchina ge-etaniko on-a.

20. Uandake minggni appeal-ko segateaniko ra-chaka.

.....
(J. Chelameswar)

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(A.K. Sikri)

New Delhi;
September 26,2014.

ITEM No.IA

COURT NO.8

BAK-11

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

Crl Appeal No. 2139 of 2014

(Special Leave to Appeal (Crl .)-oni ong'katgipa mamla.)

No.(s). 9348/ 2013

M/S SESAME CHEMICALS P. LTD. REP. BY DIRECTOR

Mamla Ka'gipa

Susagipa

THE STATE OF MEGHALAYA & ORS

Aganchakna nanggipa dol

UNBAKSANA

CRL. Appeal No. 2140 of 2014 @ SLP (Crl) No. 5317/ 2014

Date : 26/09/2014 la mol'molanirangna rai on'na da'al aganprakaniko on'a.

Mamlako ka'gipa dolrang

Ukil Ms. Debjani Das P.

Ukil Ms. Anu Gupta.

Aganchakna Nanggipa Dolrang

Ukil Ms. Madhurima Tatia.

Mande ra'ako man'na kragipa bichal ka'giparang Justice J. Chelameswar, uni aro Justice A.K. Sikri baksa asonganiko rai on'aniko parakaha.

Gipin kacharirangni mamlana chuti bianina on'a.

la minggni rairangna u'iatna nanganio pangchake bianina/ mol'molanina ra'chaka.

(DEEPAK MANSUKHANI)

(INDU BALA KAPUR)

COURT MASTER

COURT MASTER

(Uiatna nanggijagip raiko dongipao soi kaa)

