



Vani Agro Enterprises v. State of Gujarat & anr. (SC)

[2019\(1\) L.A.R. 598 = \(2019\) Law Today Live Doc. Id. 14959](#)

SUPREME COURT OF INDIA

Before: Deepak Gupta & Aniruddha Bose, JJ.

Criminal Appeal No(S).587-590 of 2010

Decided on: 05.09.2019

Vani Agro Enterprises

Appellant

Versus

State of Gujarat & anr.

Respondents

For Appellant(s):

Mr. Nachiketa Joshi, Adv.

Ms. Sucheta Joshi, Adv.

Mr. Ankit Seth, Adv.

Ms. Himadri Haksar, Adv.

Ms. Minakshi Vij, AOR

For Respondent(s):

Mr. Aniruddha P. Mayee, AOR

Mr. A. Rajarajan, Adv.

Mr. Sanjeev Kr. Choudhary, Adv.

Mr. Gurkamal Hora, Adv.

Mr. Gagan Gupta, AOR

Negotiable Instruments Act, 1881 (26 of 1881), Section 138 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 219 -- Cheque bounce case – Four cheque bounced – One legal notice issued – Consolidation of trial -- There is no provision of consolidation of cases in the Code of Criminal Procedure – Only relief that can be granted, Trial Magistrate directed to fix all the four cases on one date so that it is convenient to both the parties to attend the hearing of all the four cases on one date.

(Para 3-5)

ORDER

1. The appellant herein is alleged to have issued four cheques to the respondent no.2 which allegedly bounced. The respondent no.2 sent one notice in terms of Section 138 of the Negotiable Instruments At, 1881 with regard to bouncing of all the four cheques. Thereafter, complaints were filed in the year 1999 and these complaints have dragged on for 20 years only on the application of the appellant herein that all the four complaints should be consolidated and heard together.

2. Whether these cases had been heard together or separately, they would have been decided by now only because of the interim proceedings, even the evidence has not been recorded.

3. The main ground raised is that in terms of Section 219 of the Code of Criminal Procedure since the offences took place during the period of one year, the cases should be dealt together. Even if Section 219 of the Code of Criminal Procedure was to apply, there have to be two trials because not more than three cases can be tried together even if they occurred in one year.

4. The only other contention is that since one notice has been issued, four separate trials should not take place and one trial should take place. There is no provision of consolidation of cases in the Code of Criminal Procedure.



5. The only relief that can be granted to the appellant is that we direct the Trial Magistrate to fix all the four cases on one date so that it is convenient to both the parties to attend the hearing of all the four cases on one date.

6. It shall be open to the trial Court to record the evidence in the manner it feels like. Since the original complaints were filed in the year 1999, we direct the Magistrate to fix day to day hearing in the matters and dispose of these complaints latest by 31.12.2019.

7. In terms of the above, the appeals are disposed of.

Order accordingly.
