SUPREME COURT OF INDIA

Sangeetaben Mahendrabhai Patel v. State of Gujarat & Anr.

Citations: (2012) 7 SCC 621 : AIR 2012 SC 2844 : 2012 SCC (Cri) 409
Coram: Hon'ble Mr. Justice Dr. B.S. Chauhan & Hon'ble Mr. Justice Jagdish Singh Khehar | **Date of Decision:** April 23, 2012

SUBJECT: Negotiable Instruments Act, 1881 - Section 138 vs Section 420 Indian Penal Code - Double Jeopardy - Article 20(2) Constitution & Section 300 CrPC

OFFICIAL JUDGMENT SUMMARY & RATIO DECIDENDI:

Held: The doctrine of double jeopardy enshrined in Article 20(2) of the Constitution and Section 300 CrPC applies only when the second prosecution is for the 'same offence'. The ingredients of an offence under Section 138 NI Act (failure to pay money within 15 days of notice after cheque dishonour) and an offence under Section 420 IPC (dishonest intention, cheating, and fraudulent inducement existing at the very inception of the transaction) are completely distinct and separate. Pendency or conviction under Section 138 is not a bar to prosecution under Section 420 IPC.
