REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SHREE DANPATI MARBLES V. BIMAL KUMAR (2022)

BENCH: Mr. Justice M.R. Shah & Mrs. Justice B.V. Nagarathna **DECIDED:** May 4, 2022

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Accused must lead cogent evidence to rebut statutory presumption under Section 139; mere denial of consideration in Section 313 CrPC statement is insufficient.

1. Factual Matrix & Background:

In a cheque bounce complaint for commercial goods supplied, the accused admitted his signature on the cheque but denied liability during examination under Section 313 CrPC, claiming the cheque was handed over as blank security. No defence evidence or accounts were produced. The High Court acquitted the accused.

2. Substantive Legal Questions Framed:

Whether a bare denial of liability in the statement recorded under Section 313 CrPC is sufficient to rebut the statutory presumption of enforceable debt under Section 139 of the NI Act.

3. Analysis & Ratio Decidendi:

The Supreme Court set aside the acquittal and restored the conviction. The Court held that once the signature on the cheque is admitted or proved, Section 139 creates a mandatory presumption of consideration and enforceable debt. A bare statement of denial under Section 313 CrPC does not constitute evidence and is wholly insufficient to discharge the burden of rebuttal.

4. Principles Enunciated:

- 1. Section 139 creates a mandatory reverse burden of proof on the accused.
- 2. Section 313 CrPC statements are not evidence and cannot rebut statutory presumption.
- 3. Accused must raise a probable defence by cross-examination or leading cogent defence evidence.

5. Practical Litigation Implications:

- Accused cannot rely merely on negative answers in Section 313 examination; they must produce documentary evidence, bank records, or business ledger accounts to establish a probable defence.

.....J.
[SUPREME COURT BENCH]

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