



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C528/1486/2026</u> Hardev Associates --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Mukesh Kumar Kapauwan, learned counsel for the applicant. 2. Mr. G.S. Sandhu, learned Additional Advocate General along with Mr. Deepak Bhardwaj learned Brief Holder for the State. 3. By means of the present C-528 application, the applicant has prayed for quashing the order dated 29.05.2023 passed by the learned Additional Chief Judicial Magistrate, Chamoli, District Chamoli in Criminal Complaint Case No. 186 of 2023 under Section 138 of the Negotiable Instruments Act, 1881, whereby a non-bailable warrant has been issued against the applicant. The applicant has also sought stay of the coercive proceedings initiated pursuant thereto, including the proclamation proceedings under Section 84 of the B.N.S.S. and the attachment proceedings under Section 85 of the B.N.S.S., subject to such terms and conditions as this Court may deem fit, including the applicant's appearance before the trial Court and furnishing of the requisite personal bond and sureties. 4. Learned counsel for the applicant would submit that the complainant instituted Criminal Complaint Case No.



		186 of 2023 before the learned Chief Judicial Magistrate, Chamoli alleging commission of an offence under Section 138 of the Negotiable Instruments Act on the ground that two cheques issued by the applicant towards discharge of a legally enforceable liability, upon presentation for encashment, were dishonoured by the bank on account of "insufficient funds". He would further submit that the learned trial Court, vide order dated 29.05.2023, summoned the applicant to face trial under Section 138 of the Negotiable Instruments Act; that, thereafter, when the applicant could not appear before the Court concerned, a bailable warrant was issued, followed by a non-bailable warrant; that, subsequently, proclamation proceedings under Section 84 of the B.N.S.S. were initiated and, as reflected from the order dated 03.07.2026, the proclamation was duly affixed at the applicant's address; that, the matter is now fixed before the trial Court on 27.07.2026. 5. Learned counsel for the applicant would further submit that the applicant is ready and willing to appear before the learned trial Court on the next date fixed, i.e. 27.07.2026, and undertakes to participate in the proceedings. It is, therefore, prayed that the operation of the proclamation issued under Section 84 of the B.N.S.S. and the consequential attachment proceedings under Section 85 of the B.N.S.S. be stayed till the aforesaid date. 6. Learned State Counsel would oppose the prayer made on behalf of the applicant. However, he does not dispute that the matter before the learned trial Court is fixed on 27.07.2026.
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