

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 778 of 2015**

Shadaram Products, Sanchalak, Sanjay Khatri, S/o. Late Shri Jaggumal Khatri, Aged About 37 Years, R/o. Kanvar Nagar, Durg, P.S. Mohan Nagar Durg, Official Address Vyapar Parishar Sigani Nala Durg Tahsil & District Durg, Chhattisgarh

---- Petitioner**Versus**

Shri Shadaram Traders, Sanchalak Sunil Kumar Jasvani, S/o. Late Shri Trilokchand Jasvani, Aged About 45 Years, R/o. Station Road, Durg, P.S. Mohan Nagar, Durg, Tahsil & District Durg, Chhattisgarh

---- Respondent

 For Petitioner : Mr. Suresh Kumar Pandey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/09/2015**

1. This petition is against the order dated 12.08.2015 passed by the Additional Sessions Judge, Durg, in Criminal Revision No.114/2015 whereby the order dated 24.07.2015 passed by Judicial Magistrate First Class, Durg, is affirmed.
2. Learned counsel for the petitioner vehemently submits that both the order cannot be sustained as the accused, petitioner herein, has been shown as a firm but actually the firm do not exists. Consequently, no juristic person exists and the firm cannot be termed as a juristic person. He therefore submits that under these circumstances since the complaint filed under Section 138A of the Negotiable Instrument Act itself was without any substance or filed by competent juristic person, the same could not have been gone into for trial.
3. I have gone through the order. The complaint was filed under Section 138A of the Negotiable Instrument Act, which is summary in nature. Considering the

fact and the nature of proceeding, which is summary in nature and being a summons trial, the same do not contemplate any stage of discharge during the trial unlike warrant trial.

4. In view of foregoing, I am not inclined to invoke the extra ordinary jurisdiction of this Court, however, the petitioner shall be at liberty to raise all the grounds in defence during the course of trial.
5. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE

Ashok