

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-931-2015

Date of decision: 11.2.2015

Balbeer Singh

..... Petitioner

Versus

M/s Ganga Ram Roshan Lal Commission Agents, Rampura Phul

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

PRESENT: Mr. Siddharth Gupta, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

The petitioner has invoked revisional jurisdiction of this Court under Article 227 of the Constitution of India, seeking to set aside the order dated 9.1.2015 (Annexure P-4) passed by the learned trial Court whereby the application for staying the proceedings in a suit for recovery has been declined.

I have heard learned counsel for the petitioner and carefully perused the paper-book and the impugned orders.

The transaction on the basis of which the suit was instituted by respondent is forming part of the proceedings in a criminal complaint dated 19.4.2011 (Annexure P-1) titled (M/s Ganga Ram Roshan Lal Vs. Balbeer Singh), under Section 138/142 of the Negotiable Instruments Act, with regard to bouncing of cheque issued by the petitioner. That

criminal complaint is pending before the Judicial Magistrate Ist Class, Phul.

Learned counsel for the petitioner vehemently contended that petitioner's defence in the civil suit would be seriously prejudiced because of the pendency of criminal case and, therefore, the trial Court ought to have stayed the proceedings.

It is, however, not in dispute that evidence of the complainant has already been concluded in the criminal complaint. Even the statement of petitioner as accused under Section 313 of the Code of Criminal Procedure (Cr.P.C.) has since been recorded. The criminal complaint is still pending disposal as CRM-M-3668-2014 under Section 482 Cr.P.C. has been filed at the instance of petitioner with a prayer for sending the original cheque for comparison of the age of ink.

That is absolutely a distinct subject not at all relevant to the continuation/disposal of the civil suit. Even though, the criminal case is still at the stage of defence evidence yet the petitioner has already been examined under Section 313 Cr.P.C. Therefore, no prejudice would be caused to the petitioner for continuation of the civil suit. No ground for interference of this Court in exercise of jurisdiction of this Court under Article 227 of the Constitution of India.

Dismissed.

February 11, 2015
rishu

(R.P. NAGRATH)
JUDGE