

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No.M-22721 of 2015 (O&M)

Date of decision:15.07.2015

M/s Swati Cast and Forge (P) Ltd.

... Petitioner

Vs.

Arora Iron and Steel Rolling Mills (P) Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Manish Jain, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

An application moved by the petitioner/company under Section 319 Cr.P.C for summoning Rajesh Puri as additional accused to face trial in proceedings initiated under Section 138 of the Negotiable Instruments Act, 1881 was dismissed vide order dated 10.12.2014 passed by the learned Judicial Magistrate 1st Class, Ludhiana (Annexure P-2). Such order stands affirmed vide judgment dated 01.06.2015 passed by the learned Additional Sessions Judge Ludhiana (Annexure P-1).

The present petition filed under Section 482 Cr.P.C impugns the afore noticed two orders.

Counsel for the petitioner has been heard at length.

Without even advertting to the minute details of the case, it would suffice to notice that the application preferred under Section 319 Cr.P.C was on behalf of the M/s Swati Cast and Forge (P) Ltd.

In the impugned order dated 01.06.2015 passed by the learned Additional Sessions Judge Ludhiana, it has been clearly observed that such application has been filed by the company and without even passing of any resolution in this regard by its Directors and as such, on such ground,

the application was held to be not maintainable.

The factual aspect forming the basis of such observation has not met with any rebuttal even at the hands of Mr. Manish Jain, learned counsel appearing for the petitioner/company during the course of hearing today.

That apart, this court would entertain serious doubts as regards the maintainability of an application filed under Section 319 Cr.P.C at the hands of an accused during trial to summon another person as co-accused to face trial. Concededly, no such application for summoning Rakesh Puri as additional accused has been filed at the hands of the complainant.

No ground of interference is made out.

Petition is dismissed.

15.07.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE