

CRM-M-37986-2011

[1]

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

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Date of Decision: 31.08.2015

Daljit Singh

.....Petitioner

Versus

Kailash Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gourave Bhayyia, Advocate
for the petitioner.

Mr. Vijay Pal Advocate, for
Mr. Ashuthosh Hoshiarpuri, Advocate,
for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 04.04.2011 and 31.10.2011.

Learned counsel for the petitioner has submitted that respondent had in fact executed a power of attorney in favour of his son Jaswinder Singh, whereas, Jaswinder Singh son of Manjit Singh had appeared on behalf of the complainant. Application moved by the respondent for ratification of the acts done by his attorney was liable to be dismissed as it has been moved at the stage when the complaint was listed for final arguments.

Learned counsel for the respondent, on the other hand, has opposed the petition.

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In the present case, respondent has filed a complaint against the petitioner under Section 138 of Negotiable Instruments Act, 1881 qua dishonour of the cheque in question. Jaswinder Singh son of Manjit Singh had appeared on behalf of the respondent during trial. However, the power of attorney executed by the complainant in favour of Jaswinder Singh son of Manjit Singh was not available on record. In fact, the power of attorney placed on record was executed by respondent in favour of his son Jaswinder Singh. It appears that at the time of final arguments, the said mistake came to the notice of the complainant and he moved an application for ratification of the acts done by his attorney Jaswinder Singh son of Manjit Singh. The learned trial Court rightly allowed the application moved by the respondent for ratification of the acts done by his attorney as now the power of attorney executed by the respondent in favour of Jaswinder Singh son of Manjit Singh had been placed on record. Apparently, due to inadvertence, the correct power of attorney executed by the respondent was not initially placed on record. Moreover, the complainant-respondent has examined Jaswinder Singh son of Manjit Singh on his behalf.

It is a settled proposition of law that the petitioner cannot invoke jurisdiction of this Court under Section 482 Cr.P.C. after dismissal of his revision by the Sessions Court

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as it would amount to a second revision. However, in a case of grave injustice, this Court can interfere under Section 482 Cr.P.C.

In the present case, no grave miscarriage of justice has occurred which would warrant interference by this Court under Section 482 Cr.P.C.

Keeping in view the facts and circumstances of the present case, no ground for interference by this Court, is made out.

Dismissed.

August 31, 2015
kapil

(SABINA)
JUDGE