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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35243-2015

Date of Decision : October 14th, 2015

Kapil Batra

.... Petitioner

Versus

Prem Sahnar

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr.Rajiv Joshi, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition under Section 482 of the Code of Criminal Procedure for quashing of Criminal Complaint No. 2362 of 2014 [Annexure P/1]; summoning order dated 20.8.2014 [Annexure P/2] passed by Judicial Magistrate Ist Class, Jalandhar and the order dated 30.7.2015 [Annexure P/3] passed by Revisional Court, Jalandhar.

Learned counsel for the petitioner contended that the petitioner was just an authorized signatory of the cheque in question and he was not concerned with the affairs of the firm, whereas, he has been wrongly implicated in the Criminal Complaint filed under Section 138 of Negotiable Instruments Act, 1881 (for short, "the Act) by the respondent. In fact, Rajan Batra is the proprietor of Bear Bull Global Commodities and the petitioner is only an authorized signatory. The Courts below have not appreciated these facts while passing the impugned orders and the said orders are,

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therefore, liable to be set-aside. In support of his arguments, learned counsel for the petitioner has placed reliance upon a judgment of Hon`ble Supreme Court in **Aneeta Hada Vs. M/s Godfather Travels and Tours Pvt. Ltd.**

I have considered the submissions made by learned counsel for the petitioner and also gone through the judgment in **Aneeta Hada's case [supra]** and am of the view that the facts of the case in hand are entirely distinguishable. In the present case, the petitioner had admittedly issued the cheque under his signatures as authorized signatory and as such, he is liable for commission of offence under Section 138 of the Act. This aspect has already been dealt with by learned Magistrate while passing the order dated 20.8.2014 [Annexure P/2] and the order passed by learned Additional Sessions Judge, Jalandhar in revision petition decided on 30.7.2015 [Annexure P/3]. Learned Additional Sessions Judge has also observed that the petitioner can raise this plea regarding his role being confined to the issuance of cheque as an authorized signatory of the said firm, before the trial Court.

In view of the above, the present petition is without merit and the same stands dismissed *in limine*.

(SHEKHER DHAWAN)
JUDGE

October 14th, 2015
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