

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

(117)

**CRM-35991-2015 in/and
CRM-M-41610-2014
Decided on: November 04, 2015.**

A. Vishwanathan

.... Petitioner

Versus

M/s Videocon Industries

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vaibhav Sehgal, Advocate, for the petitioner.

Mr. Vikas Mohan Gupta, Advocate, for the respondent.

M.M.S. BEDI, J (ORAL)

Notice of motion in miscellaneous application to the respondent.

Mr. Vikas Mohan Gupta, Advocate, for the respondent, present in the Court, accepts notice. Copy given.

After hearing learned counsel for the petitioner and going through reply Annexure P-6 filed by the petitioner in response to the first notice received under Section 138 of the Negotiable Instruments Act and considering the other circumstances, I am prima facie of the opinion that the petitioner is neither the signatory of the cheque nor there is any material available on the record indicating that the petitioner had been associated with the firm in such a manner that he was in charge and responsible for the conduct of the business of firm M/s Anny Electronics.

Learned counsel for the respondent has intervened to oppose the application inter alia on the ground that the entire evidence of the complainant is over and the case is at the stage of recording of statement under Section 313 Cr.P.C.

Taking into consideration the stage of the case, I am of the opinion that at this penultimate stage of the trial where the petitioner has already faced the proceedings, the expression of opinion on merits would not be appropriate.

The only relief which can be granted to the petitioner at this stage is that in case he moves an application for exemption from personal appearance, the same would be allowed subject to any condition imposed by the trial Court. It will be open to the trial Court to pass any favourable order in favour of the petitioner on the basis of pleas taken up in this petition.

The miscellaneous application is disposed of, the main petition is preponed from 23.02.2016 to today.

The petition is disposed of with a direction that the trial Court shall expeditiously conclude the trial and would consider all the pleas taken up by the petitioner in this petition, if raised before the trial Court in person or through counsel.

**(M.M.S. BEDI)
JUDGE**

November 04, 2015
harsha