

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M No. 5475 of 2015

Date of decision : February 24, 2015

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Ganga Ram

.....Petitioner

Versus

Kulwant Kaur

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

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1. *Whether Reporters of Local Newspapers 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?*

RITU BAHRI, J

This petition has been filed under Section 482 Cr.P.C for quashing the order dated 19.1.2015 (Annexure P-3) passed by Additional Sessions Judge, Jalandhar, whereby the respondent has been arrayed as the legal heir of the complainant Mandhir Singh (since deceased) in the appeal pending before the Court of Sessions in CrI. Appeal No. 40/14-29957/13 DOI 7.11.2012 titled "Ganga Ram Vs. Mandher Singh".

The petitioner was convicted for an offence punishable under Section 138 of the Negotiable Instruments Act. Aggrieved of the order of conviction, the petitioner filed an appeal against the same. During the pendency of the appeal, the complainant expired

on 27.2.2013. Kulwant Kaur, who claimed herself to be the widow of complainant Mandhir Singh filed power of Attorney as wife of the deceased to continue the proceedings in the appeal.

Petitioner filed application (Annexure P-1) contesting the right of the respondent to appear as legal heir of the complainant without there being any formal order by the Court. Vide the order dated 19.1.2015 passed by the Additional Sessions Judge, Jalandhar the application was dismissed. Aggrieved by this order, present petition has been filed.

Kulwant Kaur-respondent had placed on record the death certificate of Mandhir Singh showing that he died on 27.2.2013. She had also filed the power of attorney as the wife of the complainant. On the death of the complainant, the proceedings will not stand abated as the petitioner has been convicted under Section 138 of the Negotiable Instruments Act and on appeal the legal heir can continue with the proceedings and claim the amount due to the Mandhir Singh.

In view of all that has been discussed above, order dated 19.1.2015 (Annexure P-3) passed by Additional Sessions Judge, Jalandhar is upheld and the present petition is dismissed.

February 24, 2015
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(**RITU BAHRI**)
JUDGE