

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

**Criminal Revision No. 3203 of 2014 (O&M)**  
**Date of Decision: 31.10.2015**

Jeewan Mehra  
Versus  
State of Punjab & another

...Petitioner(s)  
  
...Respondent(s)  
and

**Criminal Revision No.3644 of 2014 (O&M)**

Jeewan Mehra  
Versus  
State of Punjab & another

...Petitioner(s)  
  
...Respondent(s)  
and

**Criminal Revision No.3648 of 2014 (O&M)**

Jeewan Mehra  
Versus  
State of Punjab & another

...Petitioner(s)  
  
...Respondent(s)  
and

**Criminal Revision No.3649 of 2014 (O&M)**

Jeewan Mehra  
Versus  
State of Punjab & another

...Petitioner(s)  
  
...Respondent(s)  
and

**Criminal Revision No.3665 of 2014 (O&M)**

Jeewan Mehra  
Versus  
State of Punjab & another

...Petitioner(s)  
  
...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Vishal Aggarwal, Advocate  
for the petitioner (s).

Mr. R.S. Nain, AAG, Punjab.

Mr. D.D. Sharma, Advocate  
for respondent no.2.

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**HARI PAL VERMA J. (Oral)**

This order shall dispose of Criminal Revision Nos.3203, 3644, 3648, 3649 and 3665 of 2014, as common question of law as well as facts are involved in all these petitions. However, for the convenience of disposal of these petitions, facts have been noticed from CRR No.3203 of 2014.

The petitioner has filed this revision petition against order dated 22.9.2014 passed by learned Additional Sessions Judge (A), Fast Track Court, Amritsar, whereby application dated 1.7.2014 seeking *de novo* trial after setting aside the order dated 13.9.2014 has been dismissed.

Learned counsel for the petitioner while relying upon the judgment of Hon'ble the Apex Court in the case of **Nitinbhai Saevatilal Shah and another v. Manubhai Manjibhai Panchal and another** 2011(4) RCR (Criminal) 148 submits that a complaint under Section 138 of the Negotiable Instruments Act, 1881 is required to be decided by way of summary trial and in case the Magistrate who had recorded the evidence is transferred, his successor cannot pronounce the judgment on the basis of evidence recorded by his predecessor and the successor Magistrate is required to perform the *de novo* trial.

Mr. D.D. Sharma, Advocate for respondent no.2 fairly accepts the aforesaid proposition of law and submits that he has no objection in case the impugned order is set aside and the matter is relegated to the trial Court for *de novo* trial.

In view of the above conceded position of law and facts by learned counsel for the parties, the present revision petitions are allowed and the impugned order dated 22.9.2014 is set aside. Consequently, the matter is remanded back to the trial Court. The trial Court is directed to conduct *de novo* trial. Taking into consideration the fact that the complaint was filed in the year 2004, the trial Court is directed to conclude the *de novo* trial expeditiously preferably within three months unless there are compelling reasons for the trial Court to decide the matter, as indicated above. It is made clear that the petitioner-accused shall cooperative in the trial and shall not hamper the same in any way.

A photocopy of this order be placed on the file of each connected case.

October 31, 2015  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**