

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

CRM No.M-36121 of 2016 (O&M)

Date of Decision:- October 06, 2016

Manjit Singh Kalra

...Petitioner

VERSUS

Rahul Chaudhary

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Bhrigu Dutt Sharma, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondent Rahul Chaudhary, for setting aside the order dated 05.08.2016 passed by learned Judicial Magistrate Ist Class, Jalandhar, whereby the application filed by the petitioner under Section 220 Cr.P.C. for clubbing criminal complaint No.31400 of 2013 under Section 138 of the Negotiable Instruments Act and criminal complaint No.31495 of 2013 under Section 138 of the Negotiable Instruments Act, was dismissed.

At the time of arguments, learned counsel for the petitioner argued that both the cheques have been issued qua the same transaction, which have been dishonoured on the same date and legal notices, though separately, have been issued on the same date. Therefore, he argued that under Sections 219 and 220 Cr.P.C., both the complaints in question are

liable to be clubbed and to be decided together and if these cases are not

clubbed, in case of conviction, the petitioner would be sentenced in two cases separately.

I have heard learned counsel for the petitioner and have gone through the record.

The perusal of the record and the impugned order shows that two separate complaints have been filed at different stages. In one case, chief examination of the complainant has already been recorded and fixed for cross-examination. Section 219 Cr.P.C. will not apply in the present case. It does not mean that, if in one year three cheques issued by a person are dishonoured, then all the three complaints regarding those cheques, should be tried together. Both the complaints in question have been filed on the basis of two separate cheques, which have been presented before the Bank and have been dishonoured due to insufficient funds etc. There is separate cause of action for dishonouring the each of the cheque. In no way, both the cases are liable to be clubbed together and in no way, it can be held that both these cases are to be decided with single judgment.

In view of the above discussion, I find that the impugned order dated 05.08.2016 passed by learned JMIC, Jalandhar, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

October 06, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No