

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

(115)

CRM-M-37723-2016

Decided on: December 08, 2016.

Sanjay R. Gupta

.... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Dr. Ashwinie Kumar Bansal and
Mr. Varun Baanth, Advocates, for the petitioner.

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

Petitioner has been arrayed as accused No.3 in a complaint under Section 138 of the Negotiable Instruments Act filed by complainant-respondent Jagdish Singh Sachdeva.

Learned counsel for the petitioner submits that the petitioner is neither a signatory of the disputed cheque nor he received any notice under Section 138 of the Negotiable Instruments Act.

With the assistance of learned counsel for the petitioner, I have gone through the allegations against the petitioner in complaint Annexure P-1 wherein a vague averment has been made that the petitioner as Director of Neesa Leisure Limited, is responsible for day to day business of the firm along with his co-accused Manoj Singhal who is facing proceedings under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner has submitted that the complainant has not specifically mentioned as to how the petitioner is responsible for the conduct of the business of the main accused, a company.

I have heard learned counsel for the petitioner and considered his contentions.

The plea taken by the petitioner would always be available to him in case he files a revision petition before the Sessions Court or raise the pleas at the time of issuance of notice of accusation. All the pleas taken up in this petition, can be raised in above said proceedings and it will always be open to the trial Court to drop the proceedings against the petitioner by refusing to issue notice of accusation. The pleas raised before this Court, can be raised by filing a revision petition.

In view of alternative remedy being available to the petitioner, this petition is disposed of as not maintainable at this stage with a direction that in case the pleas taken up in this petition, are raised in the alternative proceedings, it will be incumbent upon the concerned Presiding Officer/Officers to pass speaking order taking into consideration its stage.

(M.M.S. BEDI)
JUDGE

December 08, 2016

harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No