

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-44074 of 2015

Date of decision: February 25, 2016.

M/s Guru Nanak Ferro Alloys

... **Petitioner**

v.

Ved Parkash Singh and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Rahul Sharma, Advocate for the petitioner.

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

Kuldip Singh, J. (Oral):

Impugned in the present petition is the order dated 15.7.2015 passed by learned Additional Sessions Judge, Fatehgarh Sahib (Annexure P-3) vide which the revision filed by the private respondents, namely Ved Parkash Singh and Tajinder Kaur Saggu, was allowed and the complaint qua them was dismissed, holding that they were not responsible for running the affairs of the company and thus could not be summoned for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (in short the Act).

Admittedly, a cheque issued by Tejinder Pal Singh, Director of accused company M/s Bhawani Casting Pvt. Ltd., bounced on account of which the present complainant filed a complaint under Section 138 of the Act against the Company, said Tejinder Pal Singh and other two Directors of the Company, namely, Ved Parkash Singh and Tajinder Kaur Saggu.

After recording preliminary evidence, all the said three Directors were ordered to be summoned to face trial.

I have heard learned counsel for the petitioner.

It comes out that except in the complaint, no preliminary evidence was led by the complainant to show that said two Directors, namely, Ved Parkash Singh and Tajinder Kaur Saggu were responsible in any manner for running the affairs of the company. Mere averments by the complainant in the complaint is not sufficient to summon them to face trial when the cheque in question was signed by Tejinder Pal Singh and his act of signing the cheque, shows that he was responsible for running the affairs of the company. There is absolutely no evidence that the other two Directors were responsible for running the affairs of the company. In these circumstances, without any evidence against the other two Directors of the Company, they could not be summoned to face trial under Section 138 of the Act. It being so, there is no illegality or infirmity in the impugned order.

Dismissed.

February 25, 2016.
kadyan

[Kuldip Singh]
Judge