

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

CRR No.274 of 2015

Date of Decision: February 24, 2016

M/s Maharani Chemicals

.... Petitioner

vs.

M/s Jyoti Sales Corporation and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

- 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?*

Kuldip Singh J.(Oral)

Learned counsel for the petitioner contends that in this case, accused were acquitted in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (in short 'the N.I. Act'). It is also stated that the firm is a sole proprietorship firm and the sole proprietor has died. Respondent No.2 is an authorized signatory.

Learned counsel for the petitioner has also fairly conceded that he has failed to lay hand on the case law as to whether in case of sole proprietorship firm, a third person can be authorized or he can be held liable under Section 138 of the N.I. Act.

In this case, the cheque was issued by the sole proprietor firm. Therefore, there is no liability of the third person to make payment. As such, there is no illegality or infirmity in the impugned judgment dated 28.03.2011 passed by learned Judicial Magistrate 1st Class, Amritsar and the judgment dated 20.09.2014 passed by learned Addl. Sessions Judge (A), Fast Track Court, Amritsar.

Accordingly, the present revision petition stands dismissed.

**(KULDIP SINGH)
JUDGE**

February 24, 2016
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