

Sr. No.129

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-2046 of 2017 (O&M)

Date of Decision:23.01.2017

Surjit Singh

... Petitioner

Versus

The Faridkot Central Co-operative Bank Ltd.

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. J.S.Brar, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been preferred under Section 482 Cr.P.C. seeking quashing of an order dated 14.07.2016 (Annexure P-4) passed by the learned Judicial Magistrate Ist Class, Faridkot in a complaint No. NACT-77 dated 03.02.2014, under Section 138 read with Section 142 of the Negotiable Instruments Act titled as The Faridkot Central Co-operative Bank Ltd. Vs. Surjit Singh.

Pleadings on record would indicate that the complainant Bank i.e. The Faridkot Central Cooperative Bank Limited had filed two complaints one against Surjit Singh i.e. the present petitioner and the other against Naginder Singh. The postal receipt of the Faridkot Central Cooperative Bank Limited Vs. Surjit Singh was attached with the complaint titled the Faridkot Central Cooperative Bank Vs. Naginder Singh and on the other hand the postal receipt of The Faridkot Central Cooperative Bank Limited Versus Naginder Singh was attached with the other file of The Faridkot Central Cooperative Bank Limited Vs. Surjit Singh.

complainant Bank for necessary corrective measure on account of an inadvertent mistake has been allowed.

Learned counsel during the course of arguments and on a pointed query having been put as regards the prejudice that may have been caused by virtue of an order dated 14.07.2016 passed by the learned Judicial Magistrate Ist Class, Faridkot would respond that the accused Surjit Singh (present petitioner) would be denied the right to cross-examine the complainant on such aspect.

The grievance put forth by the petitioner on the face of it is completely unfounded. Such aspect has already been covered and dealt with in the impugned order and wherein it has been observed that the counsel for the accused would be at liberty to cross-examine the complainant with regard to the postal receipt in question.

While declining to interfere in the impugned order at Annexure P-4, the liberty granted by the learned Judicial Magistrate Ist Class, Faridkot in the impugned order dated 14.07.2016 is reiterated by this Court as well.

Disposed of.

23.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes