

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

**CRM-A No. 916-MA of 2015 (O&M)
Date of Decision: August 14, 2018**

R.M.Steel

.....APPELLANT

VERSUS

M/s Acutechno Automotive Private Limited
and others .

.....RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Alok Mittal, Advocate
for the appellant.

Mr. R.S.Hooda, Advocate
for the respondents.

SURINDER GUPTA, J.(Oral)

Report of the concerned Magistrate has been received, wherein he has regretted the mistake on his part to the effect that facts as discussed in the judgment dated 24.03.2015 were taken from some other case.

The complaint was filed pertaining to dishonour of cheque bearing No. 417765 dated 20.04.2011 of ₹13,46,565/-. While discussing the facts of the case, learned Magistrate had discussed the cheque bearing No. 097135 dated 15.12.2010 for a sum of ₹1 lakh drawn on Punjab National Bank, NIT, Faridabad. It appears from the judgment that facts of the case of complaint filed by Omega Bright Steel Private Steel Limited were taken while deciding this case.

Learned counsel for the respondents has also not disputed this

in paragraphs No. 1 to 5 of the judgment. However, he, submits that in the remaining part of the judgment, learned Magistrate discussed about the facts and evidence recorded in this case.

Keeping in view the fact that judgment as a whole will form part of record and while discussing the evidence, facts of some other complaint were before the learned Magistrate, I am of opinion that the judgment in question be set aside and directions be issued to learned Magistrate to hear the parties and pass judgment afresh on the basis of evidence already on record.

Consequently, this appeal is accepted. Judgment of the trial Court is set aside and learned trial Court/successor Court is directed to take up the complaint titled as M/s R.M.Steel Versus M/s Acutechno Automotive Private Limited and others, hear the counsel for the parties and decide this complaint afresh.

Parties through their counsel are directed to appear before the trial Court on 05.09.2018 and no separate notice to procure the presence of parties shall be issued.

August 14, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No