

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

131

CRM-M NO.1240 OF 2018

DATE OF DECISION: JANUARY 12, 2018

M/s L.R. International Pvt. Ltd. and others

.....Petitioners

VERSUS

State of Haryana and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Vivek Goel, Advocate,
for the petitioners.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

The petitioners have approached this Court, assailing the order dated 15.09.2017 passed by the Judicial Magistrate Ist Class, Yamuna Nagar.

Specific stand of the petitioners in their statements under Section 313 Cr.P.C. is that writing on the cheque is not of the petitioners, although they have admitted their signatures on the cheque. He contends that the cheque in question has been filled in three different hands and, therefore, it appears that the cheque has been used by different persons for different purposes. He contends that there is no intention on the part of the petitioners to delay the proceedings before the trial Court as a proper application has been immediately moved after the statements under Section 313 Cr.P.C. were recorded. His further submission is that the petitioners left

M/s L.R. International Private Limited, Nissing, on 19.08.2013 whereas the

cheque is dated 12.05.2015. Counsel for the petitioners also states that fair opportunity should have been given to the petitioners to defend their case, especially when they have taken the plea that the cheque is not written in their hands and is rather in different handwritings. In support of this contention, he places reliance upon Kalyani Baskar Vs. M.S.Sampoornam, 2007 (1) R.C.R. (Criminal) 311, Dada Ghanshyam Pathak Vs. State of Maharashtra and another, 2012 (7) R.C.R. (Criminal) 242, Rajendra Mundra Vs. Kailash Jain, 2014 (46) R.C.R. (Criminal) 597, Sohanlal Singhal and another Vs. Sunil Jain, 2015 (4) R.C.R. (Criminal) 45, G.Someshwar Rao Vs. Samineni Nageshwar Rao and another, 2009 (3) R.C.R. (Criminal) 912, Ravinder Singh Chauhan Vs. State of NCT of Delhi and Anr., 2010 (1) L.R.C. 240 and Mukesh Goyal Vs. Yasin Patel, 2009 (27) R.C.R. (Criminal) 24.

I have considered the submissions made by learned counsel for the petitioners and have also gone through the impugned order and the judgements relied upon by counsel for the petitioners.

The principle as has been laid down in these judgements by Hon'ble Supreme Court and various other Courts that the accused has a right to fair trial and should be given due opportunity to put-forth his defence cannot be disputed. It may also be correct to observe that there appears to be no delay being intended by the petitioners but as the complainant himself is not stating that the cheque indeed was issued by the petitioners, rather he states that he has received the same from some person, which was duly filled prior to receipt, therefore, the argument, as has been raised by counsel for the petitioners, cannot sustain. That apart, the hand-writing on the cheque hardly makes any difference as far as the liability of the petitioners

is concerned, especially when they have admitted their signatures on the cheque in their statements under Section 313 Cr.P.C. So far as the age of ink is concerned, the Court has rightly observed that the same has no relevancy in the present facts and circumstances of the case. The Court, while relying upon Sudershan Kumar Vs. Manish Manchanda, 2015 (3) RCR (Civil) 886, has further observed that there is no technique whereby the age of ink can be ascertained.

In view of the above discussion, there is no merit in the present petition and the same stands dismissed. However, any observation made herein above shall have no effect on the merits of the case.

January 12, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No