

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34638-2018 (O&M)

Date of Decision:- 31.8.2018

Deepti alias Megha Gupta

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Kr. Panwar, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

Learned counsel for the petitioner restricts his submission to the extent that the observations made in Para No.11 of order dated 3.6.2015 passed by learned Additional Sessions Judge, Faridabad be not treated to be an expression on merits of the main case. The said observations read as follows:

“11. This shows that at the time of instituting a complaint under Section 138 of N.I.Act against her brother in law, she was possessing the cheque in question. And, she possessed this cheque through her husband, as it is alleged that the husband of revisionist had obtained this cheque from bank on its presentation. As such, the cheque could not have been released to her husband without her consent or permission. Thus, the learned trial court rightly

dropped proceedings qua respondent no.2. To that extent, there is no infirmity in the impugned order.”

The aforesaid observations were recorded by the learned Additional Sessions Judge, Faridabad while hearing a revision petition against the summoning order. Needless to mention that at the time of summoning, it is the preliminary evidence which has to be looked into. However, subsequently both the parties are given opportunity to lead entire evidence in their favour and the final adjudication of the matter would be after considering the entire evidence led by both the parties and hearing them on the respective issues. It goes without saying that the trial Court at the time of final adjudication would record findings independently on the basis of entire evidence adduced before it and is not expected to base its findings on any observations which may have been made at the time of summoning the accused or by the revisional Court while hearing revision petition against summoning order, which certainly are not to be taken as final expression on merits of the case.

With the aforesaid clarification, this petition is dismissed.

August 31, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No