

Sr. No.124

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

**CRM-M-38052-2018
Date of decision:31.08.2018**

Sunil Kumar

.....Petitioner

versus

Krishan

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Abhishek Yadav, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Challenge in this case is to the Order dated 02.08.2018 passed by the Judicial Magistrate Ist Class, Rewari.

The submission of learned counsel for the petitioner is that vide said Order, the application filed by the complainant/respondent; for treating the trial as a summary trial; in a complaint under Section 138 of the Negotiable Instruments Act has been allowed. It is contended by learned counsel for the petitioner that since the trial of the offence under Section 138 of the Negotiable Instruments Act has to be as a summons case, therefore, the proceedings meant for summary trial can not be resorted to.

However, a bare perusal of the Order passed by the Trial Court shows that the application filed by the complainant has not been allowed by the Court. Rather it has been disposed of with a direction that the trial of the offence shall be conducted as a summons case. Still further it has been recorded that the present petitioner is entitled to cross-examine the complainant and his witnesses qua evidence lead by the complainant.

In view of the above, the present petition is totally mis-conceived. Trial has not been ordered to be conducted in summary manner, as claimed by the petitioner. Nor the right of the petitioner to cross-examine the complainant and his witnesses have been taken away. The appropriate procedure is being followed by the Court. No prejudice to the petitioner is borne out from the reading of the Order passed by the Trial Court.

Therefore, finding no merit in the present petition, the same is dismissed.

31st August, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*