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

**CRM-M-42557-2018 (O&M)  
Date of decision: 27.09.2018**

**Mohammad Amin****..... Petitioner**

**Versus**

**Tejinder Singh****..... Respondent****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Vaibhav Narang, Advocate  
for the petitioner.

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**RAMENDRA JAIN, J. (ORAL)**

In this petition, filed under Section 482 Cr.P.C., petitioner-Mohammad Amin has laid challenge to order dated 14.07.2015 of learned Judicial Magistrate First Class, Jagraon (Anneuxre P-2), whereby his application under Section 145(2) of Negotiable Instrument Act, 1881 (in short 'the Act') was dismissed and order dated 31.07.2018 of the First Revisional Court, dismissing his revision thereby, affirming aforesaid order.

Briefly, the petitioner was facing a trial in a complaint case instituted by the respondent against him under the Act. During its pendency, petitioner moved application under Section 145(2) of the Act, permitting him to cross-examine the respondent-complainant on certain points. The same was wrongly dismissed by the trial Court vide order dated 14.7.2015 in view of the proposition laid down by Apex Court in ***Indian Bank Association and others Versus Union of India and others, 2014 (2) RCR (Criminal) 598.***

Being aggrieved, the petitioner challenged the said order in revision. The same was also dismissed by the Revisional Court vide order dated 31.07.2018 ( Anneuxre P-3).

Learned counsel contends that the trial Court has wrongly dismissed the application of the petitioner under Section 145 (2) of the Act without appreciating that some transactions in between the parties, had

material bearing on the merits of the case and therefore, cross-examination of the respondent-complainant was very much necessary for effective decision.

Having thoughtful consideration and submissions made by the learned counsel for the petitioner, this Court finds no merits in the instant petition:-

1. Proceedings under Section 138 of the Act are summary in nature. The application moved by the petitioner under Section 145 (2) of the Act was required to be filed within three months from the date of his appearance, but the same was not filed by the petitioner in time. Therefore, the same has rightly been dismissed, being barred by limitation.
2. The Hon'ble Supreme Court in ***Indian Bank Associations' case (supra)*** had held that parties have to prove their stand by way of their respective affidavits in complaint under Section 138 of the Act being summary in nature. Therefore, in the instant case, if the petitioner has something to say in his defence, he can plead and prove the same by way of his affidavit for consideration of the Court.

In view of the above discussion, this petition is dismissed.

27<sup>th</sup> September, 2018  
*shabha*

(RAMENDRA JAIN)  
JUDGE

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |