

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

Criminal Misc.No.M-43742 of 2018 (O&M)

Date of Decision : 06.12.2018

Navneet Verma

..... Petitioner

Versus

Smt. Kamlesh Sethi

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Hitesh Ghai, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 482 Cr.P.C. for quashing of order dated 20.07.2017, passed by the learned Judicial Magistrate Ist Class, Ludhiana, vide which the petitioner has been summoned in complaint No.COMA/6263/2017, dated 24.05.2017, titled as Smt. Kamlesh Sethi vs. Navneet Verma, filed, under Section 138 of the Negotiable Instruments Act.

The petitioner, who is an accused before the trial court had issued cheque No.567898 dated 21.04.2017, for an amount of Rs.1,00,000/- drawn at Punjab and Sind Bank, Ferozepur Road, Ludhiana and the said cheque had been duly signed by him.

The petitioner has placed on record the certified copy of cheque bearing No.141166 dated 21.04.2017 for an amount of Rs.1,50,000/- which has been duly signed by Rajiv Verma. It is very much clear that the said cheque is entirely different.

Learned counsel for the petitioner has also placed on record an application (Annexure P-3) for giving direction to the criminal Ahlmad to re-arrange the judicial file as the cheque of another case has been placed in

this case and the cheque of this case has been tagged in another case. The said application was allowed vide order dated 30.07.2018, passed by the learned Judicial Magistrate Ist Class, Ludhiana. The para No.3 of the said order reads as under:-

“I have heard counsel for both parties and gone through the case file minutely. Through the instant application, the applicant/complainant is seeking direction be given to concerned Ahlmad to re-arrange the documents which were placed on file during the preliminary evidence or when the complaint was filed. Perusal of file shows that the complainant in the present case had filed two complaints i.e. Kamlesh Sethi vs. Navneet Verma bearing COMA No.6323/2017 and Kamlesh Sethi vs. Rajiv Verma bearing COMA No.6324/2017 which are pending before this court. Further perusal of both the files show that both the files were taken up on the same date and in both the complaint after going through the preliminary evidence on record carefully predecessor of this court vide order dated 20.7.2017 had summoned the accused to face trial under Section 138 of NI Act but from the perusal of both the files it seems that the cheque, return memo, legal notice and postal receipts etc. of both the files have been inter-changed inadvertently at the time of arranging the judicial files by the Ahlmad. A separate report of Ahlmad is called for in this regard. Meanwhile, the Ahlmad is directed to rearrange both the files and put correct document on both the files and submit his detailed report in this regard on or before next date of hearing i.e. 1.9.2018 for defence evidence.

It seems that at the time of accepting cheque No.141166 (Ex.C1), proper stamping has not been affixed as required by the High Court Rules. This is why the confusion has arisen. Now it has been clarified vide order dated 30.07.2018.

To the mind of this Court, no ground to quash the impugned order dated 20.07.2017 is made. Therefore, the instant petition stands dismissed. However, the trial court is directed to mark exhibits on the documents properly and in accordance with the High Court rules and orders.

06.12.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

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