

CRM-M-45451 of 2018

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

CRM-M-45451 of 2018  
Date of Decision: 12.10.2018

Mr. P.D. Lakhani

....Petitioner

Versus

M/s Lamba Rubber Chemicals

....Respondent

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Kunal Dawar, Advocate, for the petitioner.

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

Prayer in the present petition is for quashing of order dated 28.11.2017(Annexure P-1) passed by JMJC, Faridabad in a complaint case No. 1395 dated 10.09.2014 titled M/s Lamba Rubber Chemicals v. M/s Lakhani Rubber Udyog Pvt. Limited and others, under Sections 138, 141 and 142 of the Negotiable Instruments Act and under Section 420 IPC whereby he has allowed the application to convert the trial of the case from 'Summary' to 'Summons'.

Heard.

Considering the submissions of learned counsel and going through the impugned order dated 28.11.2017(Annexure P1) this Court is of the view that following observation of the trial Court:-

“Considering the nature of allegations and transactions, this court is of the view that in case of finding guilty, terms of sentence have to be passed exceeding one year against the accused.”

may prejudice the Presiding Officer or his Successor at time of final

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adjudication of the case.

Therefore, the said observation is expunged. However, the remaining order is affirmed.

Petition stands disposed of.

**October 12, 2018**  
R.S.

**(RAMENDRA JAIN)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |