

256 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1254 of 2018 (O&M)
Date of decision : September 17, 2018

M/s Nector Lifesciences Ltd Petitioner

Versus

Anil Aggarwal Prop. M/s Anrose Pharma Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.P.S. Saini, Advocate for the petitioner.

Mr. Ferry Sofat, Advocate for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner has filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the N.I. Act') on the basis of the cheque signed by one J.K. Aggarwal of M/s Anrose Pharma, which is proprietorship firm. The petitioner issued a notice to Mr. Anil Aggarwal being the proprietor of the respondent-firm. Therefore, a complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed. During trial, an application under Section 141 of the Negotiable Instruments Act, 1881 read with Section 319 Cr.P.C. was filed to summon Mr. J.K. Aggarwal, which was dismissed by the trial Court.

Heard.

Learned counsel for the petitioner has placed reliance upon the authority of Hon'ble the Supreme Court delivered in case of ***“Kirshna Texport and Capital Markets Ltd. vs Ila a. Agarwal and Ors”, (Criminal Appeal No.1220 of 2009)***, in which notice was issued to the company and it

was held that there is no need to issue summon/notice to the directors, whereas, it was a sole proprietor firm and notice was issued to the sole proprietor through Mr. J.K. Aggarwal. He was also not issued any notice before filing the complaint. Summoning of J.K. Aggarwal had become time barred. It being so, there is no illegality in refusing the summon by Mr. J.K. Aggarwal.

In view of the aforesaid, this present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

September 17, 2018

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Whether speaking / reasoned Yes

Whether Reportable: No