

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

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**CRM-22702-2015 in/and
CRM-A-1202-MA-2015.
Date of Decision: 09.01.2019.**

M/s Kishan Hatcheries Pvt. Ltd.

....Applicant-appellant.

Versus

Om Parkash

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Inder Pal Goyat, Advocate for the applicant-appellant.

Shekher Dhawan, J.

Present application under Section 378(4) of the Criminal Procedure Code has been filed for grant of leave to appeal against the judgment dated 13.08.2014 passed by learned Sub Divisional Judicial Magistrate, Safidon, whereby the complaint filed by the appellant-complainant under Section 138 of the Negotiable Instruments Act (for short, 'the Act'), was dismissed and respondent-accused was acquitted of the notice of accusation under Section 138 of the Act.

The present application for leave to appeal has been filed with unreasonable and unexplained delay of 220 days.

Learned trial Judge has already considered the complaint under Section 138 of the Act on merit and found that it was a case of forgery of documents and the bills of the same number and particulars having been issued from two different dates. Apart from that, complaint under Section

138 of the Act was dismissed on the ground that it lacks territorial jurisdiction and there was no authorization from the company to file the said complaint.

In light of the above and the fact that application for leave to appeal has been filed after unreasonable and unexplained delay of 220 days, there is no ground to interfere in the judgment passed by learned trial Judge and no ground is made out to condone such a long delay. Accordingly, the application for condonation of delay as well as the application for leave to appeal are dismissed.

(SHEKHER DHAWAN)
JUDGE

09.01.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No