

S.No.111

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

Date of Decision:14.02.2019

1. **CRM-M-48983 of 2017 (O&M)**
M/s Nahar Industrial Enterprises Ltd.Petitioner
Vs.
Parmeshwar Kumar DixitRespondent
2. **CRM-M-48996 of 2017 (O&M)**
M/s Nahar Industrial Enterprises Ltd.Petitioner
Vs.
Parmeshwar Kumar DixitRespondent
3. **CRM-M-49001 of 2017 (O&M)**
M/s Nahar Industrial Enterprises Ltd.Petitioner
Vs.
Parmeshwar Kumar DixitRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Aalok Jagga, Advocate
for the petitioner.
Respondent in person.

Rajbir Sehrawat, J.(Oral)

This order shall dispose of three petitions i.e. CRM-M-48983 of 2017, CRM-M-48996 of 2017 and CRM-M-49001 of 2017 – M/s Nahar Industrial Enterprises Ltd. Vs. Parmeshwar Kumar Dixit.

The present petitions have been filed for seeking direction to the Court of Sh. K.S. Sullar, Ld. Additional Sessions Judge, Ludhiana to decide criminal appeal titled as “Parmeshwar Kumar Vs. M/s Nahar Industrial Enterprises Ltd.” bearing CRA Nos.215, 216 and 217 of 2015” in a time bound manner, as the respondent is deliberately delaying the matter on the one pretext or the other.

Notice of motion was issued in this case and comments were sought from the Presiding Officer of the concerned Court vide order dated

01.02.2018. The comments have been received from the Presiding Officer vide letter dated 21.05.2018, in which it has been pointed out that, repeatedly, the appellant himself has been making request for adjournment. He had got the matter referred to Lok Adalat also. However, even before the Lok Adalat, the matter was not compromised. Thereafter, the appellant had devised another modality; by moving an application under Section 309 Cr.P.C for getting the appeal adjourned. In the end, it has been informed by the Presiding officer that the appeals pending before him would be decided expeditiously.

However, learned counsel for the petitioner herein has submitted that the appeals pending before the Court below have not been decided so far. On the contrary, the appellant has been delaying the decision of the appeals on one pretext or the other.

It is surprising that the appeals are of the year 2015 and the same are against conviction of the appellant under Section 138 of NI Act. The appellant therein has obtained the benefit of suspension of sentence as well. Just as an attempt to prolong the benefit of suspension of sentence, the appellant has been manipulating the adjournment of the case on one pretext or the other. This kind of situation cannot be countenanced by this Court. Hence, the Court below deserves to be directed to decide the appeals mentioned above, pending before it, within a time bound frame.

Accordingly, the present petitions are disposed of with a direction to the trial Court to decide the abovesaid three appeals within a period of one month from the date of receipt of the certified copy of this

CRM-M-48983 of 2017 (O&M)
CRM-M-48996 of 2017 (O&M)
CRM-M-49001 of 2017 (O&M)

order.

It is further clarified that even if the trial Court has fixed some date beyond one month, as specified above, the date of hearing shall be preponed by the Court below, in such a manner, that the appeals are decided within the above specified period of one month. By any means, the decision of the appeals shall not be permitted to go beyond one month as directed above.

February 14, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No