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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3883-2018 [O&M]

Date of Decision : February 12, 2019

M/s Creative Line International Pvt. Ltd and another
.... Petitioners

Versus

M/s Jatin Traders
.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Mandeep Kaushik, Advocate,
for the petitioners.

Mr. Yogesh Goel, Advocate,
for the respondent.

SHEKHER DHAWAN, J.

Present revision petition is against the order dated 11.09.2018 passed by learned Additional Sessions Judge, Ludhiana whereby prayer made by the petitioner-appellant to decide application dated 8.3.2018 before hearing arguments in the main appeal, was declined.

2. Facts relevant for the purpose of decision of the present petition; that a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, "the Act) was filed by the respondent in June, 2011 and learned trial Magistrate convicted the present petitioners for commission of offence under Section 138 of the Act vide judgment of conviction and order of sentence dated 24.4.2015.

3. Being aggrieved of the same, the petitioners-appellants filed appeal (Annexure P/4) before the First Appellate Court on 21.5.2015 and

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the same was pending before learned Additional Sessions Judge.

4. During the pendency of the said appeal, the petitioners filed an application dated 8.3.2018 (Annexure P/5) under Section 91 read with Section 391 of Code of Criminal Procedure (Cr.P.C.) for directing the complainant to produce the complete statement of account, Ex. C-14 and C-15, as the respondent did not produce the complete statement of accounts intentionally and in order to mislead the Court and to procure judgment of conviction against the petitioners.

5. Reply was taken to the said application. Thereafter the matter was fixed for arguments on the said application vide order dated 5.4.2018 (Annexure P/6).

6. Thereafter, the petitioners filed another application dated 12.07.2018 (Annexure P/7) and request the first Appellate Court to decide the application (Annexure P/5) filed under Section 91 read with Section 391 Cr.P.C first before deciding the main appeal on merits, but learned Additional Sessions Judge, Ludhiana passed the order dated 11.9.2018 whereby the said prayer was declined.

7. Having considered the submissions made by learned counsel for the parties, and appraisal of the record of this case file, this Court is of the considered view that there is absolutely no illegality committed by learned first Appellate Court while deciding to hear the application as well as main appeal on merits. There is no such requirement of law that while deciding an appeal, the Court should decide an interim application first. Learned First Appellate Court was justified in saying so that if need be, during the course of final arguments, the Court could pass appropriate orders. There is no illegality in the order dated 11.09.2018 calling for

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interference by this Court.

8. Resultantly, the revision petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

February 12, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes