

127-2

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

**CRM-M-35017-2019
Date of decision-28.08.2019**

Rakesh Babbar and another

...Petitioners

Vs.

S.M.Enterprises and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lokesh Sinhal, Advocate for the petitioners.

MANOJ BAJAJ, J.

Convicts (petitioners) have preferred this petition under Section 482 Cr.P.C to challenge the order dated 14.08.2019 (Annexure P-10) passed by the Appellate Court in Criminal Appeal No.194/2019 whereby the application of the convicts for impleading firm-M/s International Recreation and Amusement Ltd. through Resolution Professional-Sh.Parmod Kumar Sharma as respondent No.2 was dismissed.

Learned counsel for the petitioners contends that the petitioners are the convicts who have preferred this appeal against conviction which is pending before the Additional Sessions Judge, Gurugram. According to him, the petitioners were convicted with the aid of Section 141 of Negotiable Instruments Act, by fastening vicarious liability. He contends that during the pendency of the complaint, pursuant to the orders of the NCLT, Delhi,

insolvency proceedings were initiated by appointing the interim resolution professional, therefore, the said firm M/s International Recreation and Amusement Ltd., through resolution professional-Sh. Parmod Kumar Sharma, is a necessary party to the appeal.

After hearing, learned counsel for the petitioner, this Court finds that the prayer made in the application is not worth acceptance as in an appeal against conviction, it is the convict who has to plead its case before the Appellate Court. Even otherwise, it is not disputed by learned counsel that when the cheque in question was presented before the Banker, there were no proceedings pending and the account was being maintained by the account holder. Mr. Sinhal has not disputed this fact that the complainant who had filed the complaint is already before the Appellate Court.

A perusal of the impugned order reveals that the Appellate Court has carefully examined the facts and liability on the subject while declining the prayer made by the petitioners.

In view of the above, no ground is made out for interference with the impugned order dated 14.08.2019 (Annexure P-10).

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

28.08.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No