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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3527/2016 and CrI.M.A.14906/2016
KRISHNA GEARS PRIVATE LIMITED & ANR..... Petitioners

Through: Mr. Tarun proxy counsel for
Mr. Kuljeet Rawal, Advocate

versus

INTEC CAPITAL LIMITED Respondent

Through: Mr. Viks Walia, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **14.02.2019**

On the criminal complaint (CC No.872/2014) of the respondent, the petitioners were summoned by the Metropolitan Magistrate by order dated 11.05.2015 to answer the accusations of offence under Section 138 of the Negotiable Instruments Act, 1881. The order dated 11.05.2015 would show that similar order was passed in two other similarly placed complaint cases (CC No.873/2015 and 874/2015). The petitioners assailed the said order in the court of sessions by Criminal Revision Petition No.70/2015 which was dismissed by order dated 05.05.2016.

The petition at hand brings yet another challenge to the said summoning order on the ground that the proceedings before the trial court are an abuse of the process of law.

The petition is resisted by the respondent on the ground under the cover of invoking jurisdiction under section 482 Cr.P.C. the petitioners are seeking another scrutiny it being impermissible in view of the dismissal of

the challenge before the revisional court.

The petitioners counsel had sought adjournment on the last date on the ground of personal illness. The counsel has again failed to come up to assist, he having moved yet another adjournment slip. The adjournment cannot be granted just for the asking.

It is noted that the prime grounds on which the summoning order was challenged before the revisional court were that the cheques in question had been issued as security cheques and not for discharge of legal debt or liability and further that arbitration proceedings were pending between the parties. In the view of this court, the learned revisional forum has correctly rejected the contention on both grounds. The question as to whether cheques represented security given would be a matter of defence to be agitated and examined on the basis of evidence at the trial. The pendency of arbitral proceedings does not inhibit the criminal action.

The petition and the applications filed therewith are dismissed.

R.K.GAUBA, J.

FEBRUARY 14, 2019

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