

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14868-2022

Date of decision : 9.5.2022

Rajesh Jain

..... Petitioner (s)

Versus

Sandeep Mehra

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Petitioner in person.

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HARINDER SINGH SIDHU, J.

In this petition, petitioner has assailed order dated 14.1.2022, passed by learned Additional Sessions Judge, Jind whereby his revision against order dated 17.9.2019 passed by learned JMIC, Jind, dismissing his application seeking recall of order dated 27.8.2019 has been dismissed.

The petitioner had instituted a complaint under Section 138 of Negotiable Instruments Act, 1881 against the respondent.

The order dated 27.8.2019 of the learned JMIC, Jind, recall of which was sought by the petitioner, is reproduced below :-

“File taken up after lunch. However, ld. counsel for accused has sought an adjournment on the ground that there are many cases against the accused filed by the complainant and an application has filed by the learned counsel for the accused before the learned Sessions Judge, Jind to transfer all the files in one court. This is objected by the complainant. Heard. Allowed. Now to come upon 19.11.2019 for arguments on said application.”

The petitioner sought recall of said order contending that respondent-accused had obtained order by fraud/misrepresentation on 28.8.2019 by stating that he had filed an application for transfer of various cases pending against him before one Court. However, no such application had been filed. The application was infact filed on 31.8.2019. The learned JMIC, Jind dismissed the application holding that it has no power to recall its own order. Learned JMIC, Jind also held that it was conducive to the interests of both the parties if all the cases pending against respondent-accused were transferred to one Court.

The petitioner assailed the order of learned JMIC, Jind by filing criminal revision which was dismissed by impugned order.

Learned Additional Sessions Judge, Jind while dismissing the revision inter alia observed that revision petition had become infructuous as application for additional evidence filed by petitioner has already been decided. Moreover, the application seeking recall of the order dated 27.8.2019 had been dismissed on merits and not only on the ground that there was no power to recall its earlier order.

The petitioner who appears in person has stated that learned Additional Sessions Judge, Jind has erred in holding that revision had become infructuous and that his application for additional evidence had already been decided. He further contended that petitioner had filed the complaint in the year 2018 but it is still pending and the matter has been repeatedly adjourned at the instance of respondent who is adopting all means with a view to delay the proceedings.

No error can be found in the impugned order. Vide initial order of learned JMIC, Jind dated 27.8.2019, the case was adjourned to 19.11.2019 for arguments on the application of respondent to transfer all the cases instituted against him by the petitioner-complainant to one Court. The petitioner in person states that though respondent had subsequently filed some applications seeking transfer, however, he did not pursue the same. The order had thus worked itself out. There is nothing left to be quashed.

Keeping in view the aforesaid facts and circumstances, this petition is disposed of with a request to learned trial Court to make an endeavour to decide the complaint instituted by petitioner at the earliest.

(HARINDER SINGH SIDHU)
JUDGE

9.5.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No