IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

218 **CRM-M-47206-2017**
Date of Decision: 24.11.2022

M/s Micro Engineering Solutions India Co. and others ..... Petitioners

Versus

M/s Shree Ji Alloys ..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate
for the petitioners.

Mr. Arjun Singh Rai, Advocate
for Mr. Kunal Dawar, Advocate
for the respondent

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JAGMOHAN BANSAL, J. (Oral)

The petitioner though instant petition is seeking quashing of order dated 29.08.2017 (Annexure P-3) passed by learned JMIC as well as 30.11.2017 passed by ASJ, Faridabad.

The facts emerging from record are that respondent-complainant filed a complaint under section 138 of Negotiable Instruments Act (for short, 'NI Act') against the present petitioner. The complainant is a partnership firm. The respondent while filing petition under Section 138 of NI Act did not enclose the copy of resolution or authorization letter passed by partners. The respondent moved an application under Section 311 Cr.P.C. to bring on record resolution/authorization letter. Learned JMIC, vide impugned order dated 29.08.2017 allowed application of the respondent. Learned Trial court observed that complainant failed to file resolution at the time of preliminary evidence, however, resolution and authorization letter are relevant document to prove the case of the

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complainant, therefore, application deserves to be allowed subject to the payment of costs of Rs.500/-.

The petitioner preferred a revision before Sessions Court which came up for consideration before learned Additional Sessions Judge, Faridabad, who vide order dated 30.11.2017 dismissed the revision of the present petitioner holding that revision in terms of Hon'ble Supreme Court in ***Sethuraman vs. Rajamanickam, (2009) 5 SCC 153*** is not maintainable because an order passed on application under Section 311 Cr.P.C. in an interlocutory order and revision under Section 397(2) Cr.P.C is not maintainable.

With the able assistance of counsel for the parties, I have scrutinized the record and heard their arguments.

The present petition is bereft of merits and deserves to be dismissed.

The trial Court has allowed application of the respondent before commencement of defence evidence. The respondent has sought permission to place on record resolution and authorization letter which were relevant to prove the case of the complainant. There is no prejudice qua liability to the petitioner.

I do not find any ground to interfere in the order passed by the learned Courts below. Accordingly, the petition is dismissed.

(JAGMOHAN BANSAL)
JUDGE

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Whether speaking/reasoned	Yes/No
Whether Reportable	*Yes/No*

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