

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

CRM-M-40181-2022

Date of Decision: September 05, 2022

M/s Deepak Water Supplier and another

...Petitioners

Versus

Dharmender

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Shiv Kumar, Advocate for the petitioners.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for directing the trial Court to firstly decide the application dated 11.03.2022 (Annexure P-3) filed by the petitioner, vide which he prayed to the trial Court for passing appropriate order to examine the defence witnesses in the the complaint bearing NACT No.3175 of 2018 as well as in the complaint bearing NACT No.2319 of 2018 simultaneously.

Learned counsel for the petitioner submits that the issue involved is that there were two cheques which the petitioner had handed over to the brother of his son-in-law, namely Kamal. It is his case that the said cheques were misused by the said person by filling them up with an amount of Rs.22 lacs and Rs.6 lacs in his own name and in the name of one Dharmender respectively, which were dishonoured on account of “insufficient funds”. He submits that as a matter of fact, the said cheques were meant for to be delivered to some Reliance Finance for obtaining some loan. He further submits that Kamal and Dharmender had filed separate complainants under Section 138 of the Negotiable Instruments Act, 1881, wherein the petitioner was summoned. He also submits that

the present case i.e. NACT No.3175 of 2018 is now pending for 07.09.2022 for defence evidence. He further submits that the petitioner had filed application dated 11.03.2022 (Annexure P-3) with two prayers, firstly for adjourning the said case to the same date on which the other case filed by Kamal Kumar was listed or to fix the date beyond the date fixed in that case and the second prayer made was that the defence evidence in both the case be recorded simultaneously.

Learned counsel for the petitioner restricts his prayer that the trial Court may be directed to first decide his application dated 11.03.2022 (Annexure P-3) wherein he has requested that the defence evidence in both the complaints be done simultaneously.

In view of the limited prayer made on behalf of the petitioner at this stage, no notice is required to be issued to the respondent as no order to his prejudice is proposed to be passed. Without commenting upon the merits of the case, the trial Court is requested to consider and decide the application of the petitioner dated 11.03.2022 (Annexure P-3) in accordance with law before taking up the main case.

Disposed of.

September 05, 2022

sarita

**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No