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

% Reserved on: 04.02.2022

Pronounced on: 22.04.2022

+ **CRL.M.C.192/2022 and CRL.M.A.766/2022**

K.S.TEXTILES PVT. LTD. Petitioner

Through: Mr. Ashish Sheoran and Ms. Smita
Bankoti, Advocates.

versus

SHEEN INDIA PVT. LTD. & ORS. Respondents

+ **CRL.M.C.193/2022 and CRL.M.A.767/2022**

K.S.TEXTILES PVT. LTD. Petitioner

Through: Mr. Ashish Sheoran and Ms. Smita
Bankoti, Advocates.

versus

SARVESHWAR CREATIONS PVT. LTD. & ORS. Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

J U D G M E N T

RAJNISH BHATNAGAR, J

1. These petitions are filed by the petitioner under section 482 Cr.P.C. seeking setting aside of order dated 27.02.2021 and directions for completion of trial in Complaint Case nos. 44/2021 and 42/2021 in CrI. MC 192/2022 and CrI. MC 193/2022 respectively.

2. It is submitted by the counsel for the petitioner that learned MM without issuing summons directed to hold a pre-summoning trial. It is



further submitted that this order for pre-summoning trial has caused unceremonious delay which is causing grave prejudice to the right of petitioner for speedy trial. It is further submitted that pre-summoning evidence of the banker at the time of issuance of summons is the subject matter of trial. Learned counsel for petitioner relied on the order of Supreme Court in *Suo Moto Writ Petition (Crl.) No. 2/2020 In Re: Expeditious Trial of Cases Under Section 138 NI Act*.

3. In the instant cases, after perusing the records, it is evident that the learned MM has issued summons at pre-summoning stage, to the Bank Manager only for seeking clarification for the determination of the actual signatory to the cheque in question among the respondents herein. It is pertinent to mention here that time and again the Supreme Court in various cases has held that Magistrate should scrutinize the complaint and the affidavits accompanied with it and then take proper action as per law on the complaint. Therefore, I find no infirmity in the order dated 27.2.2021, passed by the learned MM, which is nothing but a step towards the furtherance of the proceedings filed by the complainant under Section 138 NI Act, and the same calls for no interference.

4. Accordingly, the petitions are dismissed. However, learned Trial Court shall make all endeavours to dispose of the matters as expeditiously as possible. All Pending applications, if any, stand also disposed of accordingly.

RAJNISH BHATNAGAR, J

APRIL 22, 2022/ib