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

CRM-M-14731-2020

Date of decision : 29.11.2023

Rakesh Kumar

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: None for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition under Section 482 Cr.P.C. is directed against order dated 17.05.2017 passed by JMIC, Amritsar in criminal complaint No.NACT/884 of 2017 and order dated 01.09.2018 passed by Additional Sessions Judge, Amritsar.
2. Petitioner filed complaint regarding dishonour of cheque issued by a partnership firm. In the complaint, the firm was arraigned as accused No.1. The two partners namely Gulshan Kumar and Poonam Bhatia were arraigned as accused No.2 and 3. Cheque was signed by one of the partners namely Gulshan Kumar only. After recording preliminary evidence, the trial Court summoned accused No.1 and 2 only i.e. the firm and the partner who signed the same.
3. Aggrieved by the said order for non-summoning of accused No.3, petitioner preferred revision petition before the Sessions Court which was dismissed vide order dated 01.09.2018 observing as under:-

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1. Revisionist/Petitioner has filed the present revision petition against the order dated 17.5.2018 passed by Sh. Mandeep Singh JMIC, Amritsar, in case titled as Rakesh Kumar Vs. The Guru Kirpa Agro Foods & Others, whereby he has not summoned the accused no.3 to face trial u/s 138 NIA with a request to set aside the above said order by accepting the present revision petition.

2. Upon notice, respondent appeared through counsel and contested the present revision petition.

3. Record of trial was requisitioned.

4. I have heard Ld. Counsel of both the parties and have also gone through the record of Ld. Lower court.

5. Present revision petition has been filed on the ground the trial court at the time of summoning the accused did not summon the respondent/accused Poonam Bhatia despite issuance of Notice dated 5.9.2017 but at the time of summoning she has not been summoned. Material documents have been proved.

6. On the other hand Ld. Counsel for the respondents has argued that present complaint was filed on the basis of cheque dated 2.1.2017 in which there was only signature of Gulshan Kumar i.e. respondent No. 2 and Gulshan Kumar which is the partner of the firm of respondent No. 1 in which Poonam Bhatia is a Co-partner and as per citation **Mrs. Aparna A. Shah Vs. M/s Sheth Developers Pvt. Ltd & Anr 2013 (3) Criminal Court cases page 843 (SC)** a partner cannot be held liable if she has not signed the cheque.

7. I have gone through the record of the case. As per order dated 17.5.2017 cheque Ex. C-1 has been relied upon by the trial court along with other

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documents perusal of Ex. C-1 shows that only Gulshan Kumar has signed and Poonam Bhatia Respondent No. 3 has never signed the cheque and as such trial court has rightly not summoned the respondent No. 3 and she being a partner in the firm mentioned at serial No. 1.

8. In view of my above discussion, there is no illegality in order dated 17.5.2017 passed by the Ld. Trial Court and as such present revision petition filed by revisionist/petitioner is hereby dismissed. Parties are directed to appear before the Ld. Lower Court on 10.09.2018. Record of Ld. Lower Court be sent back along with copy of Judgement and file of this revision petition be consigned to the record room, after compliance.”

4. The petitioner has now preferred present petition under Section 482 Cr.P.C. impugning both the aforesaid orders. The matter is pending since 2020 and the petitioner has remained unrepresented.

5. After perusing the impugned orders and after going through the records, this Court does not find any infirmity in orders passed by the Courts below that would warrants interference while exercising jurisdiction under Section 482 Cr.P.C.

6. Consequently, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

29.11.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No