

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121

CRM-M-23639-2023
Date of decision: 19.12.2023

BIMAL KUMAR JEJANI

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shobit Phutela, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

Through the present petition, under Section 482 of Cr.P.C, prayer is made for quashing/setting aside the impugned proceedings in NACT No.5927/2016 titled as Vandana Farms & Resorts Pvt. Ltd. V. M/s Star Mineral Resources Pvt. Ltd., and summoning order dated 20.05.2016, passed by the Court of learned Judicial Magistrate First Class, Gurgaon *qua* the petitioner, under Section 138 of the Negotiable Instruments Act, 1881, for dishonour of cheques.

The summoning order was passed way back in the year 2016. A specific query was put to the learned counsel for the petitioner, that how come after a huge delay, the present petition has been filed. To which, learned counsel for the petitioner replies that they were not aware about the institution of this complaint, and they got to know about the pendency of this complaint only before the National Company Law Tribunal, and thereupon, they caused appearance before the learned trial Court concerned, and sought regular bail and the petitioner

was granted the benefit of regular bail. Learned counsel for the petitioner further submits that thereupon, the petitioner filed an application for discharge, which was not found favour by the learned trial Court concerned.

The next query, which was put to the learned counsel for the petitioner, is with regard to the alternate remedy available to the petitioner, for seeking quashing of order dated 20.05.2016. To which, learned counsel for the petitioner fairly submits that there is an alternate remedy available, but because of the delay, they opted to file the present petition.

This Court, at this stage, does not want to interfere specifically when the petitioner has an alternate remedy, by instituting statutory revision against the summoning order, before the appropriate Court, therefore, the petitioner is relegated before the learned Revisional Court concerned, and is granted liberty to file motion before the learned Revisional Court concerned. In case such a revision is filed along with an application for condonation of delay, the learned Revisional Court concerned, is directed to consider all the circumstances, as narrated above in a most sympathetic way and under the four corners of law.

Disposed of accordingly.

19.12.2023			(KULDEEP TIWARI)
amandeep			JUDGE
	Whether speaking/reasoned.	:	Yes/No
	Whether Reportable.	:	Yes/No