



CRM-M-28935-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.116

Case No. : CRM-M-28935-2024

Date of Decision : August 21, 2024

Ms. Amarjeet Jagtar Singh Petitioner

vs.

Deepak Nanda and another Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Rahul Bhargava, Advocate
and Mr. Kashav Chadha, Advocate
for the petitioner.

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GURBIR SINGH, J. :

1. Prayer in the present petition, filed under Section 482 Cr.P.C., is for issuance of directions to the court of learned Judicial Magistrate Ist Class, Amritsar (hereinafter referred to as – Trial Court) to conclude the trial of the complaint case bearing NACT-2719-2019 in an expeditious and time bound manner.

2. At the outset, learned counsel for the petitioner has submitted that respondent no.1 issued a cheque dated 15.04.2019 on behalf of respondent no.2 for an amount of Rs.37 lakhs but the same was dishonoured with remarks – *“payment stopped by drawer”*. Thereafter, on 23.04.2019, the petitioner got served registered legal notice on the respondents demanding the payment of the cheque amount. When respondents failed to make payment of the amount in question, the petitioner filed complaint dated

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22.05.2019 (Annexure P-1), under Section 138 of the Negotiable Instruments Act, wherein respondents were summoned to face trial. It has further been submitted that the trial of the case is moving at a snail's pace. The matter was also referred to the mediation by the learned Trial Court but it remained unsettled. However, vide order dated 23.09.2021, passed by learned Trial Court, the respondents were directed to make payment of 20% of the cheque amount, as mentioned in the notice of accusation. The record of the learned Trial Court was summoned by learned Additional Sessions Judge, Amritsar, where revision petition was pending. The said record was not received back for a long time. Learned counsel has referred to various zimni orders passed by learned Trial Court in this regard, which reveal that the case was continuously being adjourned on various dates as the record was not returned to the learned Trial Court.

3. On the last date of hearing, report from the Court of learned Additional Sessions Judge, Amritsar was sought regarding pendency of revision petition and stay orders, if any, in the matter. The said report has been received in this Court and is annexed with the file. A perusal of the report reveals that on 06.08.2024, record of the Trial Court was received there but adjournment was sought by both counsel appearing for the parties and the case was adjourned to 14.08.2024. It is also mentioned in the said report that there is no stay order in the matter.

4. Since there is no stay order passed by any Court, trial of the case is to continue. In case, the Appellate/Revisional Court requires the record from the learned Trial Court, then it is not to be kept with the file of the

learned Appellate/Revisional Court but said Court should pass such order that in the absence of stay, trial of the case is not held up.

5. Learned Court of Additional Sessions Judge, Amritsar is directed whenever in a case, record of the Trial Court is required and the case has to be adjourned, then record be returned to the Trial Court with a specific direction to send that record again 2/3 days in advance from the date fixed in the Appellate/Revisional Court, so that proceedings in the Trial Court and higher Court are not delayed.

6. The complaint in question was filed long way back in the year 2019. Trial of the case is being unnecessarily delayed. So, learned Revisional Court as well as learned Trial Court are directed to dispose of the case(s) expeditiously and to ensure that no unnecessary adjournment is granted in future.

7. The present petition stands disposed of in the above terms.

8. Pending applications, if any, shall stand disposed of along with this judgment.

August 21, 2024

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.