

2025:PHHC:095605



CRR No.1015-2025

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

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**CRR No.1015 of 2025
Date of Decision: 29.07.2025**

M/s Jhorar Pesticides and another

... Petitioners

Versus

Sai Ram Agritech Pvt. Ltd.

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioners.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioners seeking challenge to the order dated 27.02.2025 passed by the Court of learned Judicial Magistrate 1st Class, Rampura Phul in case arising out of criminal complaint bearing CIS No.NACT-144-2023 dated 23.10.2018 titled as *Sai Ram Agritech Pvt. Ltd. v. M/s Jhorar Pesticides and another* under Sections 138 and 141 of the Negotiable Instruments Act, 1881 (For short “**NI Act**”) read with Section 420 of IPC, whereby an application filed by the petitioners for producing defence evidence had been dismissed.
2. Brief facts relevant for the purpose of disposal of this petition are that the petitioners are facing trial for commission of offence punishable under Section 138 of NI Act in the aforementioned complaint.



They moved application to summon an expert as a witness in his defence for the purpose of proving that body of some security cheques which were claimed to be issued in favour of the respondent-complainant and qua which seven different complaints have been filed and are pending in the Court, have been written by one and the same person. They prayed for sending photocopies of the cheques as lying in seven different complaints filed by the respondent, to the expert who was to be appointed and to summon him as such so that he could produce a report that those cheques issued by different entities were filled by one and the same person.

3. The aforementioned application had been dismissed by the learned trial Magistrate by passing the impugned order and by observing that the question as to whether the handwriting on cheques filed in some other complaints, was of the proprietor of the complainant firm, was not relevant for the purpose of disposal of the complaint and further that the petitioners could not be allowed to lead evidence which was not relevant to prove their defence.

4. It is argued by learned counsel for the petitioners that the impugned order is not sustainable in the eyes of law, as by filing the aforementioned application, they wanted to produce an expert witness in their defence to prove that the cheque which was the subject matter of complaint in this case was written by the proprietor of the respondent and he was the same person who had written cheques in 16 different complaints as pending in the Court. It is argued that the respondent had infact procured a blank signed cheque from the petitioners as a security and has misused the same. It is argued that by depriving them to produce their defence evidence,



the learned trial Court has caused serious prejudice. It is, therefore, argued that the petition deserves to be allowed.

5. I have heard learned counsel for the petitioners and have perused the material placed on record carefully.

6. On going through the record, I am of the considered opinion that the petition does not deserve to be allowed at all. The petitioners are facing trial on account of dishonour of a cheque which is alleged to have been issued by them as a security cheque. The petitioner No.2 who is proprietor of petitioner No.1 is not shown to have denied his signatures on the said cheque. For the purpose of their defence, they want to examine a handwriting expert and also to summon the record of 16 different complaints as filed by the respondent so that the cheques which are part of those complaints could be given to the handwriting expert and he could give a report that the handwriting on those cheques was of the proprietor of the respondent and not of the signatories. The prayer so made by the petitioners is absolutely devoid of any merits. No doubt, the petitioners are entitled to produce evidence in their defence. However, the proposed defence evidence which had been sought to be produced by them, cannot be stated to be essential for just decision of the complaint. Rather, it clearly appears that by filing the application, the petitioners are trying to delay the disposal of the complaint and to cause prejudice to the respondent. No useful purpose is going to be served even if it is proved that the handwriting on the cheques submitted in other cases were of one and the same person. The learned trial Court, therefore, committed no illegality in dismissing the application. As such, no ground has been made out for allowing the petition and hence the



same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

29.07.2025
Parveen Sharma

(MANISHA BATRA)
JUDGE

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