

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

2025:PHHC:085219



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CRR-997-2025 (O&M)

Date of Decision: 14.07.2025

M/s Jhorar Pesticides and another

...Petitioners.

Versus

Sai Ram Agritech Pvt. Ltd.

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Akhilesh Vyas, Advocate
for the petitioners.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioners have challenged order dated 27.02.2025 passed by Judicial Magistrate Ist Class, Rampura Phul, whereby application filed by the petitioners for calling an expert witness was dismissed.

2. The brief facts relevant for the adjudication of the present revision petition are that the respondent had filed a complaint bearing CIS No.NACT-326-2024, under Section 138/ 141 of Negotiable Instrument Act, 1881 read with Section 420 IPC. It has been alleged in the revision petition that the present respondent has unlawfully and illegally mentioned the facts of alleged cheque No.396120 dated 15.08.2018 for an amount of Rs.49,720/-, which was presented by the present respondent before the

concerned bank and which had been allegedly dishonoured on 20.08.2018. Both the parties were having business dealings and with the passage of time, the business relationship between both the parties became strained and the present petitioners, stopped dealing with the respondent-firm. It was further submitted that at the time of dealing with the firm of present respondent, cheque in question was given by the present petitioners as a security. Respondent got a blank signed cheque from the present petitioners as a security, but the petitioners have no liability to discharge against the amount of cheque. The respondent had filed a false and frivolous complaint on the basis of aforesaid cheques. As per the averments, the present respondent had also filed 16 more cases earlier, on the similarly situated grounds and on the similar cause of action. All the cheques in those cases including the case of the petitioners have been filled in the same hand writing and by only one person. During the course of hearing in the present complaint before learned Judicial Magistrate Ist Class, Rampura Phul, the petitioners filed an application before learned trial Court for summoning of all the files of above said 16 cheques to ascertain the fact that whether all the cheques were in the same handwriting and to get expert opinion, which was dismissed by learned trial Court, vide order dated 27.02.2025. Hence, the petitioners have knocked the doors of this Court by way of filing the present revision petition.

3. Learned counsel for the petitioners has contended that the respondent had filed a false and vexatious complaint against the petitioner as well as 16 more persons, wherein all the cheques had been filled in the same handwriting, which proved the malafide intention of the present

respondent. If the respondent was to receive any amount from the different firms and if the different firms were to issue any cheques to discharge their liability, then the cheque so issued by the said firm should have been filled by the representative of the respective firms in their own handwriting, but strangely in all the cases including the case of the present petitioners, all the cheques had been filled in the same handwriting, which proved the illegal and unlawful act and malafide intention of the present respondent. He urged that it is indefeasible right of the petitioners to lead their defence evidence and to make a prayer to call the record from anywhere to prove their contentions, so the aforesaid application filed by the petitioners for summoning the record in all aforesaid 16 case files as mentioned in the aforesaid application, is required to be summoned to bring out the malafide intention of the present respondent.

4. I have heard learned counsel for the petitioners and have gone through the relevant record.

5. In the impugned order dated 27.02.2025, learned trial Court has given details of all the cheques pertaining to those 16 cases, which the petitioners intend to summon in their defence evidence. The cases pertaining to aforesaid cheques have been decided by the Court on different dates. Trial Court has rightly observed that, in the present case, the handwriting of the proprietor of the complainant firm relating to other cheques, not issued by the accused is not a relevant fact in the present case. No doubt, the petitioners have the right to lead their defence evidence but at the same time such evidence must be relevant for effectively adjudicating the controversy between the parties. Thus, as already observed, the cheques

in all those 16 cases are not relevant for deciding the present controversy, it being not the issue in the present case.

6. Thus, there being no illegality or infirmity in the impugned order no interference therewith is called for while exercising the revisional jurisdiction by this Court. The present revision petition being bereft of any merits stands dismissed.

7. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

14.07.2025.

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No