

(2002) 10 P&H CK 0135

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 19138 of 1997

Mrs. Anuradha alias Renu Syal

APPELLANT

Vs

Sat Pal Singh and Others

RESPONDENT

Date of Decision : 23-10-2002

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Negotiable Instruments Act, 1881 (NI) — Section 138, 141, 142

Citation : (2003) 116 CompCas 78

Hon'ble Judges : Viney Mittal, J

Bench : Single Bench

Advocate : Rajinder Goyal, for the Appellant; R.K. Handa and A.K. Pathania, for the Respondent

Final Decision : Dismissed

Judgement

Viney Mittal, J.—The present petition u/s 482 of the Criminal Procedure Code, 1973, has been filed for quashing of the complaint dated September 19, 1995, u/s 138 read with Section 141 of the Negotiable Instruments Act, 1881, further read with Sections 418, 420 read with Section 120B of the Indian Penal Code. A summoning order dated July 10, 1996, has been passed by the learned trial magistrate. The complaint has been appended as annexure P-4 with the petition, whereas the summoning order is annexure P-3 with the petition.

2. I have gone through the contents of the complaint as well as the summoning order. The main plea which has been raised in the present petition is that on the date when the cheque was issued, she was no more a director of the aforesaid company. In support of the aforesaid plea, a resignation letter dated February 1, 1995, has been appended as annexure P-2 with the petition.

3. In my considered opinion, the aforesaid matter is a matter which has to be determined by the learned trial magistrate after adducing the evidence.

4. In any case, the aforesaid plea cannot be entertained in the proceedings u/s

482 of the Criminal Procedure Code for quashing of the complaint or the proceedings taken thereupon.

5. Under these circumstances, the present petition is dismissed. However, liberty is granted to the petitioner to file an appropriate application before the learned trial magistrate for dropping of the proceedings against her. While filing the aforesaid application, it shall be open to the petitioner to raise all the pleas raised in the present petition and other defences available to her in accordance with law before the trial court. If any such application is filed by the petitioner then the trial magistrate would decide the same on the merits after affording an opportunity of hearing to all concerned. The personal presence of the petitioner shall also remain exempted during the course of trial. However, the learned trial court is at liberty to secure the personal presence of the petitioner as and when the same is required by it in accordance with law.

6. Since the matter has remained pending in this court for a sufficiently long time, therefore, the trial court is directed that the proceedings in the case be concluded expeditiously and in any case not later than July 31, 2004.