

(2009) 01 P&H CK 0226

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No.M-21461 of 2008

Bhagwati Prasad Bajaj

APPELLANT

Vs

M/s Trigun Chemical Limited

RESPONDENT

Date of Decision: Jan. 14, 2009

Acts Referred:

- Negotiable Instruments Act, 1881 (NI) - Section 138

Citation: (2009) 5 RCR(Criminal) 881

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Kanwaljit Singh Ahluwalia, J.

In the present case, cheques which have been dis-honoured were issued on 3.3.2005 and 4.3.2005. Counsel for the petitioner submit that petitioner had submitted resignation on 7.9.2004. Counsel relied upon a document prepared by the company to show that resignation was accepted on 16.2.2005. Counsel is unable to substantiate this document by showing on which date this document was received by the Registrar of Companies. On observations made by this Court that this document is ante dated or not, counsel is unable to say anything. Disputed questions of facts are involved. Therefore, no ground for quashing of complaint and summoning order passed in a complaint u/s 138 of the Negotiable Instruments Act is made out.

2. Counsel state that the present petition be dismissed as withdrawn with liberty to raise all arguments before the trial Court and personal appearance be exempted as petitioner is 70 years of age.

3. Taking into consideration, the age of the petitioner, his personal appearance is exempted subject to filing an undertaking that he shall cause appearance as and when required by the trial Court. He shall also file an undertaking that the evidence,

if any, recorded in his absence but in the presence of his counsel shall be binding upon him. The trial Court may also incorporate any other condition in the undertaking to be submitted by the petitioner.

4. As prayed, the present petition is dismissed with liberty aforesaid.