

COCP-2137-2013 (O&M).

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

**COCP-2137-2013 (O&M).
Decided on: September 10, 2013.**

Anil Kumar

..... Petitioner

Versus

Khatri Surabh, JMIC, Faridabad and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Vikas Kumar Sharma, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Petitioner is facing proceedings under Section 138 of the Negotiable Instruments Act.

Aggrieved by illegality in issuance of wrong summons to the petitioner, this Court in CRM-M-30627 of 2012, decided on 3.11.2012, had set aside the summoning order issuing a direction to the Judicial Magistrate First Class, Mr.Saurabh Gupta to reconsider the matter afresh and pass order after judicious application of mind and issue summons if required in appropriate form.

This contempt petition has been filed alleging that neither any summoning order has been passed nor proper summons has been issued.

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I have heard the learned counsel for the petitioner and gone through certain copies of the orders passed by the Judicial Magistrate First Class, Faridabad. A copy of the notice received by the petitioner along with copy of complaint has also been perused. There does not appear to be any illegality in the fresh notice having been issued to the petitioner. No willful disobedience of any order passed by this Court has been shown.

This petition is dismissed with liberty to the petitioner to avail any other legal remedy available to him in accordance with law to challenge the proceedings/summoning order if some case is made out for the said purpose. It will be open to the petitioner to put in appearance before the Magistrate and contest the proceedings.

September 10, 2013.
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(M.M.S. BEDI)
JUDGE