

K.J Steel Rolling Vs. M/s Bombay Motor

Present:- Complainant with counsel Sh. HS Balraj, Advocate.
Accused no.2 on bail with counsel Ms. Shashi Kataria,
Advocate
Accused no.3 on bail with counsel Sh. DS Dyal, Advocate
Accused no.4 on bail with counsel Sh. GK Agnihotri,
Advocate.

1. This order shall dispose of an application for impleading Harbans Singh Bawa filed by accused no.1 and 2 under Section 219 Cr.P.C.

2. Learned counsel for the accused no.1 and 2 argued that as per the partnership deed Harbans Singh Bawa is also partner of M/s Bombay Motor Trading. That he has not been mentioned as accused in the present case whereas in para no.5 all the other partners and directors have been summoned. That complainant has received the cheque amount from Harbans Singh Bawa . It is necessary to implead him as an accused.

3. Learned counsel for the complainant argued that the application is not signed by all the accused no.1 to 3 nor is supported by other authority. Complainant is not having copy of the partnership deed of accused and does not have any knowledge about the status of Harbans Singh Bawa. No copy of partnership deed has been attached with the application. Complainant has not received any amount from Harbans Singh Bawa . Hence, the application is liable to be dismissed as the accused is intentionally delaying the proceedings by moving such applications.

4. Learned counsel for the accused no.3 filed reply and argued that the application has been moved by co-accused with ulterior motive. Harbans Singh Bawa is innocent. There is no dealing with the complaint

and complainant has not received any money from Harbans Singh Bawa. In fact, Harbans Singh Bawa is residing in USA since 1974 and has nothing to do with the present complaint. He is not taking care of business dealing of Bombay Motor Trading. Hence, the present application is liable to be dismissed.

5. I have heard learned counsel for both the parties and gone through the file.

6. The present complaint has been filed against Bombay Motor Trading and its partners and General Manager namely Kiran Bawa, Raminder Singh and Baljit Singh. In para no.5 complainant has impleaded all other partners or directors through Baljit Singh, General Manager. Accused no.1 and 2 have alleged that Harbans Singh Bawa is also partner of Bombay Motor Trading so he be impleaded as accused. But no partnership deed has been produced by the accused to corroborate the said fact. In fact one of the accused no.3 has alleged that Harbans Singh Bawa is residing in USA since 1974. Complainant has also denied having received any amount from Harbans Singh Bawa. Therefore, at this stage, no ground is made out to implead Harbans Singh Bawa as accused.

7. In view of the above said discussion, the present application is dismissed. Now case is adjourned to 05.09.2016 for cross-examination of CW-1.

**Pronounced
22.08.2016**

**Navjit Pal Kaur,
Judicial Magistrate Ist Class,
Jalandhar**