

H.P. State Cooperative Bank Ltd. Vs. Rangil Singh & anr.

**Cr. Appeal No. 638 of 2024
Reserved on 28.05.2025**

20.06.2025 Present: Mr. Y.P. Sood, Advocate, for the appellant.

Mr. Rakesh Kumar Dogra, Advocate, for respondent No.1.

Mr. Tarun Pathak, Deputy Advocate General, for respondent No.2/State.

The present appeal is directed against the judgment dated 02.12.2023 passed by learned Additional Sessions Judge (I) Mandi, District Mandi, H.P. (learned Appellate Court) vide which the respondent (accused before learned Trial Court) was acquitted for the commission of an offence punishable under Section 138 of Negotiable Instruments Act (N.I.Act).

It appears from the judgment passed by learned Appellate Court that learned Appellate Court had dismissed the complaint solely on the ground that it was not filed by authorized person. Admittedly the complainant is H.P. State Cooperative Bank, a body corporate and has to act through individuals. It was laid down by Hon'ble Supreme Court in *Haryana Cooperative Supply and Marketing Federation Limited vs. Jayam Taxtiles and another (2014) 4 Supreme Court Cases 704*, that a complaint filed by a juristic person cannot be dismissed

on the ground of lack of authorisation. Hence, prima facie, the dismissal of the complaint on this ground is not justified.

Let the matter be listed for final arguments as per the Roster.

(Rakesh Kainthla)
Judge

20th June, 2025
(ravinder)