Mamta Sharma Vs. M/s Durga Auto Store Syar

Cr. Revision No. 535 of 2026

24.8.2026 Present: M/s M.A. Safee and Sameer Miyan, Advocates, for the petitioner.

Cr. Revision No. 535 of 2026

Issue notice to respondent, returnable within four weeks on taking steps within three days.

Records of the learned Courts below be also requisitioned within the aforesaid time.

Cr.MP No.3613 of 2026.

Notice in the aforesaid terms.

Heard.

It has been submitted on behalf of the applicant/petitioner that there is no proof that the complainant is the sole proprietor of M/s Durga Auto Store, Syar, P.O. Darla, Tehsil Arki, District Solan, H.P. Secondly, the notice under Section 138 of the Negotiable Instruments Act (in short NI Act) was not served upon the present petitioner.

Prima facie, both these submissions have substance. It has been stated in the judgment of learned Trial Court that no document/registration certificate of M/s Durga Auto Store Syar was annexed to the record which is necessary to prove the proprietorship of the complainant.[1]

It has also been stated in the judgment passed by learned Trial Court that the notice was only served upon accused No.1 but since it was served on the address of M/s

[1] Shirgul Filling Station Vs. Kamal Sharma 2025:HHC:21725-DB

Mamta Motors, Village Daseran, P.O. Bhararighat, Tehsil Arki, District Solan, H.P., it is deemed to have been served upon the present petitioner, which prima facie is not correct; hence there are arguable points in the matter.

In view of the above and keeping in view the nature of the offence punishable under Section 138 of NI Act, execution and operation of the substantive sentence of imprisonment awarded by the learned Trial Court on 1.7.2024/6.7.2024, as affirmed by the learned Appellate Court on 22.4.2026, in Criminal Appeal No. 146 of 2024 is ordered to be suspended, subject to furnishing of personal and surety bonds in the sum of ₹25,000/- each to the satisfaction of the learned Trial Court within four weeks.

The bail bonds, so furnished by the applicant/petitioner be transmitted to this Court for placing the same on record.

A copy of this order be sent to the learned Trial Court for information.

(Rakesh Kainthla)
Judge

24th August, 2026
(Chander)