

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No. 239/2024

Sunil Dogra , S/o Natha Ram Dogra, Age 49
years, C/o Hakikat Singh, R/o Khajuria Mohalla,
Paloura, Jammu.

.... Petitioner(s)

Through :- Mr. Sandeep Gupta, Advocate.

V/s

Kuldeep Kumar Abrol, S/o Krishan
Chand, R/o H.No. 323/P, Upper Roopnagar
Colony, Sector 2, Jammu.

....Respondent(s)

Through :-

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER
04.04.2024.

1. The petitioner is aggrieved of and has called in question order dated 15.03.2024 passed in file No.3/2023/Cri. Revision titled "*Kuldeep Kumar v. Sunil Dogra*" whereby the Revisional Court has set aside the order of trial Court dated 09.01.2024 and directed the petitioner to deposit 20 percent of the cheque amount before the trial Court.
2. The impugned order is assailed by the petitioner on the ground that the order suffers from the total non-application of mind and that the revisional Court has not been appreciated the fact that the complaint is pending since the year 2021 and not even a single witness has been produced by the respondent before the learned Magistrate to prove his case.
3. Learned counsel for the petitioner submits that even the complainant has not so far recorded his own statement.

4. Having heard Mr. Sandeep Gupta, learned counsel appearing for the petitioner and perused the material on record, I am of the considered opinion that relevant material *prima facie* has not been considered by the Revisional Court. The reasoning given by learned Magistrate disallowing the application of the complainant filed under Section 143-A of the Negotiable Instruments Act, 1881 has neither been referred to nor analyzed by the Revisional Court in proper perspective. The Revisional Court has not formed its *prima facie* view that the complaint filed by the complainant is liable to be allowed and that the petitioner has no plausible defence to offer.

5. Notice to the respondents, returnable within four weeks.

6. Requisite steps for service within two weeks.

7. List on 29.05.2024.

8. Meanwhile, the operation of the impugned order passed by the Revisional Court is stayed. It is, however, made it clear that pendency of this petition and the interim order passed today shall not come in the way of the trial Court to proceed with the complaint in accordance with law.

(Sanjeev Kumar)
Judge

Jammu:
04.04.2024.
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