

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C-528 No. 885 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Tejas Agarwal, learned counsel for the applicant.</p> <p>2. Ms. Pushpa Bhatt, learned D.A.G. alongwith Mr. S.C. Dumka, learned A.G.A. for the State.</p> <p>3. The present criminal misc. application is filed with a prayer to quash and set-aside the chargesheet, summoning order as well as the entire proceedings of Criminal Case No. 1529 of 2024, Sanchit Bhandari Vs. Sanjay Naithani, pending in the court of learned ACJM, Kotdwar, Pauri Garhwal and also the order dated 31.03.2026 passed by the court of learned Additional Sessions Judge, Kotdwar, Pauri Garhwal in Criminal Revision No. 39 of 2026.</p> <p>4. It is the case of the applicant that applicant and the complainant were partners and they executed a deed of work in which it was mentioned that profit and losses shall be shared in the ratio of 90:10. Since, lease was in the name of the applicant in the work deed, it was mentioned that 90% of the profit or loss would be that of the applicant and 10% would that of the complainant. In lieu of that, applicant had given some unfilled cheques to the complainant. Since, they suffered losses and, as such, no profit occurred in the said work, the complainant by misusing those cheques, filed a complaint under Section 138 of Negotiable Instruments Act, 1881 against the applicant.</p> <p>5. Learned counsel for the applicant would submit that when the cheques were dishonoured, a demand notice was sent to the applicant, in which, it was categorically mentioned that there was a work deed between the applicant and the complainant, but, when the applicant replied to</p>

		<p>the said notice, the complainant while filing a complaint very conveniently did not mention the fact of existence of any work deed between them. Furthermore, in the statement given by the applicant before the Magistrate under Section 251 and 274 of BNSS, he has mentioned about the work deed between them. After his statement under Section 274 of BNSS, applicant moved an application under Section 91 Cr.P.C., praying for summoning of agreement dated 06.08.2022 from respondent no. 2, but, the learned Magistrate concerned vide order dated 30.01.2026 rejected the application of the applicant. Thereafter, against the order dated 30.01.2026, applicant also preferred a revision being Criminal Revision No. 39 of 2026, but, too was dismissed by the court of learned Sessions Judge, Kotdwar, Pauri Garhwal, vide order dated 31.03.2026. Aggrieved by both the order, applicant has approached this Court by filing the present criminal misc. application.</p> <p>6. Heard learned counsel for the parties and perused the record.</p> <p>7. Heard learned counsel for the parties and perused the record.</p> <p>8. This Court finds some substance in the submission made by learned counsel for the applicants and having heard the submission, under the facts and circumstances of the case, this Court is of the view that this matter definitely requires deliberation.</p> <p>9. Issue notice to respondent no. 2, returnable within three weeks. Steps to be taken within a week.</p> <p>10. List after service report is received.</p> <p>11. In the meantime, counter-affidavit(s), if any, be filed by the respondents.</p> <p>12. After perusing the records and having heard learned counsel for the parties, under the facts and circumstances of the case and also considering the fact that existence of the work</p>
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			<p>deed was admitted by the complainant in his demand notice sent by him to the applicant and if the said work deed found to be genuine would go to the root of the matter, this Court, <i>prima facie</i>, is of the opinion and is satisfied that in the interest of justice, further proceedings of Criminal Case No. 1529 of 2024, Sanchit Bhandari Vs. Sanjay Naithani, pending in the court of learned ACJM, Kotdwar, Pauri Garhwal, shall remain stayed <i>qua</i> the applicant till the next date of listing.</p>
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(Alok Mahra J.)

04.05.2026

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