

**Court No. - 73**

**Case :-** APPLICATION U/S 528 BNSS No. - 17499 of 2025

**Applicant :-** Smt. Seema Devi

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Bijai Prakash Tiwari, Richa Tiwari

**Counsel for Opposite Party :-** G.A.

**Hon'ble Vikas Budhwar, J.**

1. Contention of the learned counsel for the applicant is that though the complaint was lodged by the opposite party no.2 against the applicant but the company was not arrayed as a party since the cheque was issued by the applicant for Swami Logistic Private Limited. He submits that the company was a necessary party to be arrayed as an accused and also be summoned. He seeks to rely upon the judgment in the case of **Aneeta Hada Vs. Godfather Travels and Tours (P) Ltd. (2012) 5 SCC 661.**

2. Matter requires consideration.

3. Issue notice to the opposite party No. 2.

4. Opposite parties may file their response within a period of six weeks. Rejoinder affidavit, if any, may be filed within a period of two weeks, thereafter.

5. List thereafter before appropriate Bench.

6. Till the next date of listing, further proceedings of Complaint Case No. 110082 of 2021, (Rajaram Agarwal Vs. Seema Devi) under Section 138 NI Act, P.S. Naubasta, District Kanpur Ngar, pending in the Court of ACJM, (J.D.)/Mahanagar Magistrate, Court No.7, District Kanpur Nagar against the applicant shall remain stayed.

**Order Date :-** 17.5.2025

piyush