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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 20th April, 2026*
+ CRL.M.C. 6717/2023 & CRL.M.A. 25172/2023

VIJAY VERMA

.....Petitioner

Through: Mr. Ashish Aggarwal, Mr. O.P. Faizi,
Mr. Anand Aggarwal, Mr. Chakit
Singhal, Ms. Nishtha Verma, Ms.
Lisha Arora, Mr. Himanshu Singh,
Ms. Anjali Kashyap and Ms. Ishita,
Advocates.

versus

M/S AGGARWAL TRADERS DOORS LTD & ANR.

.....Respondent

Through: Mr. Mukul Kumar Gupta, Advocate
for both the respondents.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner herein had filed Complaint Case No.1639/2016 under Section 138 of *Negotiable Instruments Act, 1881*.
2. Such complaint, initially, filed before the Court of learned Additional Chief Judicial Magistrate-II, Gautam Budh Nagar, Delhi, was directed against three accused i.e. M/s. Aggarwal Traders Doors Ltd., Mr. Shiv Narayan Agrawal and Ms. Poonam Agrawal.
3. The accused No.2 and 3 were shown as Directors of accused No.1 Company. However, the learned Trial Court, *vide* order dated 21.10.2014, summoned accused No.2 i.e. Mr. Shiv Narayan Agrawal, Director of M/s.



Aggarwal Traders Doors Ltd. only. Later on, the case was transferred to Delhi on 04.11.2015 and is presently pending before North West District, Rohini Courts, Delhi.

4. Notice under Section 251 Cr.P.C. has been served and the case is at the stage of cross-examination of complainant.

5. It was at said stage of the case that the complainant filed an application under Section 319 Cr.P.C. seeking to summon accused-company against whom, unfortunately, there was no order. It was contended therein that the cheque had been issued by the Director on behalf of accused-company only and, therefore, his summoning was indispensable in nature.

6. Learned Trial Court, however, dismissed the abovesaid application on 24.09.2022, observing that no new evidence had come to the light, necessitating summoning of the accused-company under Section 319 Cr.P.C. It also observed that any indulgence would rather amount to review of the order which does not have legal sanctity as the Criminal Court has no power to review its own order.

7. The petitioner-complainant has challenged not only the summoning order dated 21.10.2014 but also order dated 24.09.2022.

8. Learned counsel for respondent has joined the proceedings through *video-conferencing* and submits that as per the averments made in the complaint, accused-Mr. Shiv Narayan Agrawal was, allegedly, carrying business under name and style of other firm i.e. *M/s. Aggarwal Traders* and asked the complainant to raise invoices in the name of all accused-company.

9. Fact, however, remains that the cheque in question has been signed by Mr. Shiv Narayan Agrawal as *Authorized Signatory* for *M/s. Aggarwal Traders Doors Ltd.* There are, in all, three cheques and all such cheques



have been signed by him for and on behalf of *M/s. Aggarwal Traders Doors Ltd.* The complaint is specifically directed against *M/s. Aggarwal Traders Doors Ltd.* and legal notice was also issued against the abovesaid company.

10. Apparently, there was no reason to have not summoned the accused-company. Yes, a Criminal Court does not enjoy power to review its own order but if the accused-company is not permitted to be summoned and it does not participate in the trial, it would have adverse impact over the entire case as Director cannot be prosecuted, without the company as such. Reference in this context be made to *Himanshu v. B. Shivamurthy & Anr.* (2019) 3 SCC 797.

11. Evidently, the summoning order is bereft of any reason and in view of facts placed on record, the accused-company should have been summoned. To that extent, the grievance is well-founded.

12. Learned counsel for respondent, after hearing arguments for some time, submits that he would have no objection if the accused-company is also directed to be summoned. He, however, submits that such concession is, without prejudice to his rights and contentions, and he may be granted liberty to raise all his *pleas* before the learned Trial Court at appropriate stage and he may also be permitted to cross-examine the complainant on behalf of the accused-company.

13. In view of the above, the present complaint is disposed of with the direction that *M/s. Aggarwal Traders Doors Ltd.* stands summoned as accused in the aforesaid case. The *Authorized Representative* of the accused company shall appear before the learned Trial Court on the date fixed i.e. 29.04.2026 and the learned Trial Court shall take up the matter after taking his such appearance on record and would proceed further with the matter in



accordance with law.

14. The present petition stands disposed of in aforesaid terms.

15. Pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 20, 2026/ss/sa