

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.A-1145-MA of 2013 (O&M)
Date of decision: August 27, 2015

M/s Happy Steels Pvt. Ltd.

...Applicant

Versus

M/s Indo Asian Auto and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vaibhav Sehgal, Advocate
for the applicant.

Mr.Rakesh Bhatia, Advocate
for the respondents.

INDERJIT SINGH, J.

Applicant-M/s Happy Steels Pvt. Ltd. has filed this application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against respondents M/s Indo Asian Auto and Kulwinder Singh, challenging the order dated 24.10.2013 passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby the complaint filed by the applicant was dismissed in default for want of prosecution and accused-respondents were acquitted. Along with the application, appeal has been filed.

It is stated in the application that applicant is filing accompanying appeal, which is likely to succeed on the grounds taken therein. It is further stated that the order passed by learned JMIC,

Ludhiana is totally illegal and suffers from misread of evidence.

Notice of motion was issued and learned counsel for the respondents appeared and contested the application.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that learned JMJC, Ludhiana has dismissed the complaint in default for want of prosecution on 24.10.2013 on the basis of absence of the complainant from the Court, therefore, leave is granted.

Both the counsel for the parties contended that they are ready with the arguments and the appeal may be heard today itself.

In view of the above, the Registry is directed to register the appeal, assign number to it and list the same for hearing for today itself.

August 27, 2015
Vgulati

(INDERJIT SINGH)
JUDGE