

In the High Court of Punjab and Haryana at Chandigarh

**Criminal Appeal-S-4630-SB of 2014
Date of Decision: 30.01.2015.**

Rekha Dutta

.....Appellant

Versus

Gurtejinder Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Yogesh Goel, Advocate
for the appellant.

Mr. A.S.Bhatti, Advocate
for the respondent.

SABINA, J.

Appellant had filed complaint under Section 138 of the Negotiable Instruments Act, 1881 against the respondent qua dishonour of cheque dated 21.1.2013 in the sum of ₹ 95,000/-.

On 20.12.2013, following order was passed by the Trial Court:-

“Today the case is fixed for the deposit of publication charges. Perusal of the file reveals that publication was ordered against the accused on 25.10.2013. Despite of that ample opportunities has been given to the complainant for deposit of publication charges. Even today nobody turned with the receipt of deposit of publication charges. It seems that complainant is not interested to proceed further with this case. As such the case is dismissed in default for want of prosecution and

for issue of process u/s 204(4). File be consigned to the Record Room.”

Learned counsel for the appellant has submitted that on 20.12.2013, publication charges had been deposited by the appellant. However, before the receipt could be produced before the Trial Court, the impugned order was passed.

Learned counsel for the respondent, on the other hand, has opposed the appeal.

Admittedly, in the present case, publication charges had been deposited by the appellant on 20.12.2013. It appears that before the said charges could be deposited, the complaint in question was dismissed. Keeping in view the fact that the publication chargers were deposited on 20.12.2013, it would be just and expedient to set aside the impugned order. Moreover, in case the impugned order is set aside, the lis between the parties will be disposed of on merits.

Accordingly, this appeal is allowed. Impugned order dated 20.12.2013 is set aside. Consequently, the complaint in question is ordered to be restored to its original number. Trial Court is directed to proceed further with the complaint, in accordance with law.

**(SABINA)
JUDGE**

January 30, 2015
Gurpreet