

In the High Court of Punjab and Haryana at Chandigarh

CRM-A -1806-MA of 2014
Date of decision: 20.01.2015

Amandeep Singh

.....Applicant

Versus

Naresh Raj

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.R.K.Mattoo, Advocate for the applicant

SABINA, J.

Applicant had filed a complaint against the respondent under Section 138 of the Negotiable Instruments Act, 1881 qua dishonour of cheque in question. Complaint was dismissed in default vide order dated 7.5.2014 and the respondent was ordered to be acquitted. . Hence, the present application under Section 378(4) of the Code of Criminal Procedure, 1973 for grant of leave to appeal by the complainant.

I have heard the learned counsel for the applicant and have gone through the record available on the file carefully.

Impugned order dated 7.5.2014 reads as under:-

“Case called several times since morning but neither the complainant appeared nor anybody on his behalf. It appears

that complainant is not interested in pursuing the present complaint. Hence, complaint is dismissed in default for want of prosecution. Accused is acquitted of the allegations levelled against him. Bail bonds and surety bonds stood discharged. File be consigned to the record room after completing it in all respects.”

During the course of arguments, it has transpired that the case was listed for cross-examination of the applicant on 7.5.2014. Thus, the presence of the applicant was very necessary on the date fixed before the trial Court. Since the applicant had failed to appear before the trial Court, the trial Court had no option but to dismiss the complaint filed by the applicant. In these circumstances, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

January 20,2015
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