

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.A-293-MA of 2015

Date of decision:28.07.2015

Mahabir Singh

.... Petitioner

Versus

Tarun Kumar Kataria

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Wazir Singh, Advocate for the petitioner.

Navita Singh, J. (Oral)

It is submitted that the complaint was dismissed as no one appeared for the complainant on 10.11.2014. It is submitted that the date was wrongly noted as 10.12.2014 on which date the complainant had appeared before the trial Court and came to know that the complaint stood dismissed.

It is submitted that the accused was summoned and warrant of arrest had been issued against him and at that stage of the proceedings, the complaint was dismissed.

The complaint is under Section 138 of the Negotiable Instruments Act and since the accused already stands summoned, it is felt that the petitioner has a right to get his complaint decided on merits. Order passed by the Court on the dates prior to the date of dismissal reproduced in the petition show that the complainant was present on every date.

In view of the above, the petition is allowed. Trial Court is directed to revive the complaint and decide the same in accordance with law. Complainant to appear in the Court below on 18.8.2015.

28.07.2015

renu

**(NAVITA SINGH)
JUDGE**