

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No.A-362-MA of 2014 (O&M)
Date of decision : 10.02.2015**

Gopal SinghAppellant
versus

M/s D.R. Gaurs Project Private Limited & another ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Kunal Dawar, Advocate for the appellant.

RITU BAHRI , J. (Oral)

CRM-8438-2014

There is 110 days' delay in filing the appeal.

For the reasons stated in the application, the application is allowed and the delay of 110 days in filing the appeal is condoned.

CRM-A-362-MA-2014

Challenge in this petition is to the order dated 06.09.2013, vide which the complaint of the appellant under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act') has been dismissed for want of prosecution.

The complaint under Section 138 of the Act read with Section 420 IPC (Annexure A-1) was filed on 14.06.2008. Annexure A-2 was the application dated 20.11.2010 for permanent exemption from personal appearance.

The complaint was filed on account of dishonour of cheque No.291299 dated 18.05.2008 for Rs.72,000/- and cheque No.293100

dated 17.05.2008 for Rs.39,120/-, both drawn on Union Bank of India, SSI Finance Branch, Gurgaon (Haryana). After filing of this complaint on 14.06.2008, number of opportunities were granted to the appellant to file a copy of the complaint so that notice could be issued to the accused party. The appellant did not choose to do so and finally on on 06.09.2013, complaint was dismissed for want of prosecution.

As per the provision of the Negotiable Instruments Act, on dishonour of a cheque a legal notice is required to be given and the accused is to make the payment within 15 days as per the Section 138 of the Act and within 30 days. Thereafter, a complaint can be filed under Section 138 of the Act. In this case, after filing the complaint Annexure A-1, the appellant has not bothered to take effective steps to pursue the complaint by filing process fee along with the complaint. Even the limitation for pursuing the complaint has now been elapsed. No ground is made out to set aside the order.

Dismissed.

10.02.2015
Vinay

(RITU BAHRI)
JUDGE