

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc.-M No. 12123 of 2015

Date of Decision: 13.8.2015.

Jasbir Kaur

.....Petitioner

Versus

Union Territory, Chandigarh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashu Kaushik, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 challenging the order dated 12.11.2014 (Annexure P-3).

Learned counsel for the petitioner has submitted that absence of the petitioner before the Trial Court on 18.4.2014 was not intentional. In fact, petitioner had noted down a wrong date. When the petitioner visited the Court on 16.5.2014, she came to know that the complaint had been dismissed on 18.4.2014.

Petitioner had filed a complaint regarding murder of her brother Puran Singh. A perusal of the order dated 12.11.2014 (Annexure P-3) reveals that petitioner was granted 54 opportunities to enable her to complete her evidence. However, evidence of the petitioner was closed vide order dated 16.4.2014 and the case was adjourned to 18.4.2014 for arguments. However, on 18.4.2014, none appeared on behalf of the petitioner.

The Trial Court passed the following order on 18.4.2014:-

“Case called several times since morning but neither the complainant nor anybody has appeared on his behalf. It is already 3.50 P.M. It appears that the complainant is not interested in pursuing the complaint further. As such, complaint is dismissed in default. File be consigned to the record room.”

Since the case was listed for arguments on 18.4.2014, presence of the petitioner was necessary. However, petitioner failed to appear before the Trial Court on 18.4.2014 and left with no other alternative, the Trial Court dismissed the complaint in default.

Hence, no ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

August 13, 2015
Gurpreet