

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

CRL. MISC. No.M-12709 OF 2014
DATE OF DECISION : 14th MAY, 2015

Avdesh Kumar Pandey

.... Petitioner

Versus

Mukesh Kumar & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

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

Mr. Sachin Mittal, Advocate for the respondents.

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SURINDER GUPTA, J. (ORAL)

Heard.

The petitioner filed a complaint against respondents wherein vide order dated 24.08.2009 the respondents were ordered to be summoned for offences punishable under Section 420, 406 and 506 read with Section 34 IPC.

On 21.01.2014 none had appeared on behalf of complainant or respondents, as such, the complaint was ordered to be dismissed in default.

Learned counsel for the petitioner submits that on the previous date, before the dismissal of the complaint, the case was posted for 07.01.2014 for arguments on charge but it was taken up on 03.01.2014 as 07.01.2014 was declared holiday and the complaint was adjourned for 21.01.2014. The complainant made enquiry from his counsel who apprised

him of the date as 28.01.2014, as such, he could not appear on that date.
Even respondents were not present on that date.

From the submissions made by counsel for the petitioner and the fact that even the respondents have not put in appearance on 21.01.2014, the reason putforth for non-appearance of the complainant on 21.01.2014 appears to be a genuine one. Order dated 21.01.2014, as such, is set aside. The complaint is ordered to be restored at its original number and the parties are directed to appear before the trial Court on 10.06.2015.

14th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE