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

CRM-M-5489 of 2015

Date of decision: February 20, 2015

Manjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S. Verma, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition seeking restoration of the compliant No.355 dated 24.10.2013 titled as Manjit Singh versus Didar Singh, which was dismissed vide order dated 22.04.2014.

Learned counsel for the petitioner has submitted that the petitioner could not appear before the trial Court on 22.04.2014 as he had noted down a wrong date.

Petitioner had filed the compliant against respondent under Section 138 of the Negotiable Instruments Act, 1881 qua dishonour of cheque datd 02.09.2013 in the sum of ₹4,50,000/-.

On 22.04.2014, following order was passed by the trial Court:-

“Today the case was fixed for cross-examination of complainant. Case called many times

but neither the complainant nor anybody has appeared on his behalf. This shows that complainant is not interested for pursuing the present complaint. Accordingly the present complaint is dismissed in default for non prosecution. Bail stands discharged. File be consigned to record room.”

Thus, a perusal of the above order reveals that the presence of the petitioner was necessary on 22.04.2014 as the case was listed for his cross-examination. Accused-respondent had appeared with his counsel on the date fixed, but the petitioner had failed to appear. There is nothing on record to substantiate the plea of the petitioner that he had noted down a wrong date. Moreover, the trial Court was left with no option but to dismiss the complaint for non-prosecution as petitioner failed to appear, although, the case was listed before the trial Court for his cross-examination.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

February 20, 2015
m.singh