

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1375-MA-2014
and CRA-AS-60-2016
Date of decision: 21.4.2016

KRISHAN LAL

.....Applicant/appellant

versus

VIRENDER KUMAR SAINI & ORS

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rakesh Gupta, Advocate for the applicant/appellant

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

CRM-A-1375-MA-2014

In view the averments made in the application, the same is allowed. Leave to appeal granted. Registry is directed to number the appeal. Application stands allowed.

CRA-AS-60-2016

None has put in appearance on behalf of respondent Nos.1 and 2 to assist this Court. Therefore, their case has been considered. Lower Court file perused.

Heard.

It comes out that the complaint filed by the present appellant under Section 138 Negotiable Instruments Act, 1881 was

dismissed for want of prosecution and accused were discharged vide order dated 3.7.2014. The perusal of lower Court file shows that the accused did not appear despite issuance of bailable and non-bailable warrants and ultimately proclamation was issued to procure their presence. Perusal of file further shows that it was the only date on which the complainant could not appear and the Court after calling the case in pre-lunch session and then in the after lunch session, dismissed the complaint.

I am of the view that the matter needs to be decided on merits. Hence, the impugned order is set aside and complaint is restored to its original number and is ordered to be decided on merits.

The appeal stands allowed.

Parties through their counsel are directed to appear before the lower Court on 26.5.2016.

21.04.2016
gk

(Kuldip Singh)
Judge